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Transatlantic Relations after the Lisbon Treaty: Ready for Action, or More Process?

BY JESSICA RIESTER

What new foreign policy tools does the Lisbon Treaty provide for the EU?

How does the Lisbon Treaty impact relations between the EU and NATO?

Is German leadership needed in the new EU framework?

After a difficult negotiation and even more difficult ratification process, the Lisbon Treaty lays the framework for a European Union (EU) for the twenty-first century that is better able to plan for and respond to the challenges inherent in an increasingly globalized world. It envisions a future Union beyond the traditional scope of European integration, namely, trade, economic, and monetary union. New actors now represent the Union globally—a President of the European Council and a High Representative for Foreign Affairs and Security Policy who give the EU the potential to exercise a stronger identity on the global stage. At its core, the Lisbon Treaty is a European document focused on process rather than results and takes an institutional and procedural approach to preparing Europe for the next ten, twenty, even fifty years. The impact of the treaty on the EU's role as an international actor and a transatlantic partner remains open and still to be determined, but could in the longer term be substantial.

The first decade of the twenty-first century has not been easy for Europe. Transatlantic rifts over the war in Iraq, internal dissension on involvement in Afghanistan, enlargement to the east, re-nationalization in light of increased immigration, the financial crisis, and most recently the insolvency and subsequent bail-out of a member state, Greece, have all threatened the Union's durability. These primarily internal challenges do not speak to many of the most difficult global challenges—energy, Iran, Russia, among others—in which Europe is a key ally for the United States. As a result, the EU is seeking consolidation of European interests to establish itself in a multipolar world while also maintaining a strong transatlantic alliance. By providing new procedures and institutions for accomplishing these goals, the Lisbon Treaty is intended to bridge internal conflicts and present a unified front to the outside world.

This Issue Brief will look at the impact of the Lisbon Treaty more specifically, with regard to the EU, the U.S., and Germany within the context of a more broadly international role. It will begin by discussing the Treaty's key aspects for the EU institutions, foreign policy, and transatlantic relations. Attention will then turn to EU-NATO relations in this new framework, and close with the impact of the Lisbon Treaty on Germany and an enlarging EU.

The Lisbon Treaty and Transatlantic Relations: A Smoother Dialogue?

New Treaty, New Roles

Ratified and signed by the last of the twenty-seven member states (the Czech Republic) on 3 November 2009, the Lisbon Treaty entered into force on 1 December 2009, the result of the European Union's quest to be not only more democratic, but also to improve its transparency and efficiency. Despite these goals, the Treaty is not without detractors who fear a loss of national sovereignty to an enhanced Union. Much like the EU Constitution before it, the Lisbon Treaty was nearly dead on arrival after a voter referendum (Ireland, June 2008) rejected the Treaty. A year later, after assurances from the EU and increasing economic concerns, Irish voters changed their minds in a second referendum (October 2009). Interestingly, after French and Dutch voters blocked the European Constitution in national referenda in 2005, only Ireland put the Lisbon Treaty to its voters. Thus, once approved by twenty-six national parliaments and the Irish voters, the Lisbon Treaty entered the lexicon of EU law.

By amending the Maastricht (Treaty on the European Union, 1992) and Rome (Treaty Establishing the European Community, 1957) treaties, Lisbon modifies the EU in four key ways. First, addressing the frequent criticism of a "democratic deficiency" it seeks "a more democratic and transparent Europe" by enhancing the European Parliament's powers. Second, it changes voting procedures to enact "a more efficient Europe." Third, the Treaty underscores the EU as "a Europe of rights and values, freedom, solidarity, and security" by facilitating cooperation among member states on issues of crime and terrorism; and finally, it promotes Europe "as an actor on the global stage" by creating a new diplomatic corps.[1] Each of these four modifications is focused on the procedure for enacting policy, rather than enumerating a specific strategy or goal.

These institutional and procedural changes will affect how policies are made. By granting the European Parliament (EP) new roles in the EU budgetary process and in international agreements, the Treaty brings another actor into the decision-making process, a function some argue is contrary to the stated intention of efficiency. However, by implementing a co-decision procedure with the EP and the Council of the European Union (which represents the member states), the Treaty allows both the member states and the European citizens to be represented in policymaking and makes for a more democratic Union. But while, on the one hand, it gives more power to one EU institution, the Lisbon Treaty reinforces the principle of subsidiarity, ensuring that actions and decisions are taken at the most local level possible and reserves for the EU only those competences it can fulfill better than the individual member states, retaining sovereignty for member states, on the other.

Long hampered by requirements for unanimity, the Lisbon Treaty works to make European decision-making more efficient, extending qualified majority voting (QMV)—"except where the Treaties provide otherwise"[2]—to additional issues including election of the President and appointment of the High Representative, procedures for accessing security-related appropriations, and allowing a member state to withdraw from the Union.[3] Beginning in 2014, a new system of voting will be introduced: double majority of member states and people. A double majority will require "55% of the member states representing at least 65% of the Union's population."[4] As demographic changes occur across Europe, the new double majority requirement could change traditional power blocs and traditionally influential countries in the Union. In this respect, Germany, with its aging and shrinking population, could begin to lose some of its power at the EU level.

Steering Dialogue Across the Atlantic: New Foreign Policy Actors and Tools

The Lisbon Treaty is the EU's latest attempt to answer Henry Kissinger's infamous question of who to call when trying to reach Europe by creating two new leadership posts.[5] The new President of the Council of the EU is a permanent position in addition to the Council's six-month "rotating presidency" (now effectively a chairmanship) that was sometimes criticized for being inconsistent. In addition, its constantly changing leadership and priorities caused frustrations in the U.S. The presidency is designed to build continuity internally, politically among member states, as well as in domestic policy and with international partners. Consensus-building, which helps legitimize EU policy, is imperative in the Council; thus, the president is directed to "endeavor to facilitate cohesion and consensus."[6] The first president, Herman Van Rompuy of Belgium, was unanimously elected in November 2009, despite being a lesser-known figure on the international stage. Van Rompuy's reputation for negotiating compromise is essential for a position whose task is "to ensure that the Heads of State and Government can collectively agree on their overall strategy for the European Union both as regards its internal development and in terms of its external relations."[7] Furthermore, he fulfills the qualities sought by two key member states—France and Germany—as a conservative (like the French and German governing parties) from a small founding member state who, as such, could be perceived as more committed to and knowledgeable about European integration than his British and Latvian competition.[8]

Most importantly for foreign policy and transatlantic relations, the Treaty propels the EU as an actor onto the global stage. It adds coherence and visibility to EU foreign policy by creating a High Representative for the Union in Foreign Affairs and Security Policy; it provides support for the High Representative in the form of the European External Action Service (EEAS); it makes the Union a single legal entity, thereby strengthening its negotiating power; and it paves the way for greater cooperation among member states in the area of security and defense policy.[9] The position of High Representative for Foreign Affairs and Security Policy, currently held by Lady Catherine Ashton, combines the previous positions of High Representative for Foreign and Security Policy and the Commissioner for External Relations. A dual-hatted role, the High Representative will "coordinate the foreign policies of member states on an intergovernmental basis (with unanimous decisions) and preside over the external relations of the European Commission."[10] Foreign and security policy will thus be the only competency within the European Council to have a permanent chair. With the political support of the member states and the resources of the Commission, the High Representative intends to improve the coherence of Europe's foreign policy, defense policy, and foreign aid, finally an indication that the EU is indeed a single policy actor. Ashton has the backing of both the member states (via the Council) and the Commission (by assuming the functions of the Commissioner for External Relations) and, having already traveled to Washington and met with Secretary of State Hilary Clinton, is building a rapport with the U.S.[11]

The High Representative is supported by a European foreign service, the EEAS, composed of diplomats from the twenty-seven member states. Especially for small states and in small states, this will increase the EU's visibility and negotiating power. By adopting such traditional aspects of foreign policy, Europe is moving from a foreign policy of example (i.e., setting conditions for membership) to becoming an actor with the ability to act strategically and set its own agenda.

It is important to note that while the Lisbon Treaty created two new leadership roles, other important actors remain. Ministerial meetings (excluding foreign and security policy) in the Council of the EU will still be chaired by the country holding the six-month rotating presidency and will still steer other policy (e.g., economics and financial affairs or justice and home affairs). Likewise, the President of the Commission, José Manuel Barroso, will continue to lead the directorates in the Commission, have control over the significant Community budget (an authority Van Rompuy does not share), and submit legislative and budgetary proposals to the EP. Thus the Lisbon Treaty does not consolidate EU institutions—quite the opposite—but it does create counterparts to the U.S. administration.

While the Lisbon Treaty is intended to give the EU a better opportunity to formulate coherent, continuous policy, the reality is that four phone numbers—the President, High Representative, President of the Commission, and Rotating Presidency (on certain issues)—remain. The EU still must decide who represents the Union in international organizations and meetings—i.e., in the United Nations or at the April 2010 Nuclear Security Summit in Washington, DC—and not allow confusion over its roles to prevent the EU from having a seat at the table.

The Lisbon Treaty has gone to lengths to change the process by which the European Union decides foreign and security policy. As the EU asserts itself on the world stage, the difficulties associated with gaining consensus and political will among the member state governments in the Council only inhibit the EU from acting as a cohesive actor. To that end, the Lisbon Treaty creates a single legal entity, bringing together all of Europe's external policy tools (security, economics, etc.) and assuming a process of greater checks and balances within the Union itself by involving the European Parliament in determining budgets and engaging in oversight. Now, as in the United States, EU and member state leaders must cooperate with an elected legislature on the European level, as well as at the national level.

Still, challenges remain for EU foreign policy, despite a supposedly streamlined process. Foreign and security policy still requires unanimity in the Council; despite having a full-time High Representative presiding over the Foreign Affairs Council,[12] there will continue to be twenty-seven member states' foreign ministers, subject to national concerns. Ashton serves as a representative of the twenty-seven members in the Council, contributing to policy discussions but ultimately carrying out the decisions made by the member states' foreign ministers, where individual differences influence how the Union might act.[13] For example, the United Kingdom and France will continue to act in their national interests due to their permanent seats on the United Nations Security Council, Greece and Cyprus to a large extent will continue to dictate the EU's policy in the eastern Mediterranean. Additionally, leaders' decisions will reflect domestic politics as much as European interests (Angela Merkel's hesitancy to "bail out" Greece is a prime example). Furthermore, one of the main aspects of the Lisbon Treaty—a greater role for the Parliament in foreign policy—is proving to be a major headache in attaining coherence among the MPs, the foreign ministers, and the High Representative. It is also proving a problem for the United States, as when the Parliament recently intervened in the SWIFT data-sharing program and denied U.S. officials access to Europe-based data.

All political transitions take time; these remaining questions will be clarified as Van Rompuy and Ashton become more entrenched in their roles and as the EEAS takes shape. The challenge for the EU will be not to lose its momentum or to

allow its institutional and procedural transitions to impact its relations with a results-oriented U.S.

Impact on the Transatlantic Relationship

So far, the United States has been optimistic about and welcomed the Lisbon Treaty, believing that it will ease communication between the two allies and help provide what the Obama administration has been pushing for, namely, a more effective, unified partner with a stronger voice who shares similar values and adopts similar strategies. The U.S. can benefit from a stronger and consistent partner in Europe; as Assistant Secretary of State Philip H. Gordon testified before Congress, "We believe that a strong and cohesive Europe is very much in the U.S. national interest."[14]

Security concerns are undoubtedly a large part of the U.S.' desire for a strong European ally, but they are not the only concerns. Gordon went on to name a number of policy areas of cooperation between the U.S. and EU, including Middle East policy, Iran's nuclear program, the Transatlantic Economic Council, counterterrorism cooperation, energy, and development aid.[15] As the EEAS takes form, with individuals responsible for these policy areas on an EU ministerial level, the U.S. anticipates having counterparts on these and other issues,[16] thereby facilitating discussion and cooperation and aiding in greater policy consensus across the Atlantic. The Lisbon Treaty will have little impact on the substance of transatlantic relations, which is still determined by national leaders, but will likely provide a positive institutional and procedural base from which the two allies can discuss join policy and strategy.

European Security and NATO: Inextricably Tied?

Budding EU Capabilities

European security and defense policy has long been a source of some confusion. How can the European Union garner the political will among twenty-seven member states to engage militarily in the EU's neighborhood, let alone in out-of area missions, given the member states' diverse military capabilities, expectations, and histories? Germany's postwar tradition of pacifism, for example, contributed to the controversy surrounding the description of German troops being engaged in a war in Afghanistan. As Secretary of Defense Robert Gates stated in February 2010, "The demilitarization of Europe […] has gone from a blessing in the twentieth century to an impediment to achieving real security and lasting peace in the twenty-first."[17]

For much of its existence, the EU fell under the U.S.' security umbrella through NATO, and was able to adopt a defensive mindset. Given new global threats, however, the Lisbon Treaty better articulates the purpose of an independent European security policy; namely, to act where NATO as a whole is not engaged and to enable the EU to take its own action both politically and militarily, as it currently does off the coast of Africa, combating piracy.

Indeed, the EU has significant capacity to act, using the influence of its market, providing development aid, pooled defense spending, its commitment to diplomacy, and use of peacekeepers, but until now its power has been fragmented, led at times by Commissioners, at times by the rotating presidency, and at times by individual member states. With the Lisbon Treaty, the EU is consolidating its influence with fewer actors and concurrently hoping to increase its power.

In an age of global threats, the Lisbon Treaty gives the EU new abilities to respond to security concerns, including terrorism, and provides for solidarity among member states in case of disaster (natural or man-made). Further, it removes national vetoes in certain areas, among them climate change and energy security.[18]

Already the EU is and has been involved in military and policing missions outside Europe, predominately in Africa (Congo, Darfur, Horn of Africa) and the Middle East (policing in Afghanistan).[19] It also has a number of civilian missions underway in the same regions. And indeed Kosovo can serve as a model for policing strategy, rule of law, and civil society operations—a model that the U.S. would like to see more effectively implemented elsewhere, namely in Afghanistan. Missions in the Balkans and Afghanistan prove the necessity of a broader array of capabilities, including civilian. Here the EU's relationship with NATO can play a role: Through greater cooperation and consultation, each organization can better reinforce the mission. With overlapping memberships, the division between NATO and the EU (on security issues) is at times unclear. The Berlin Plus agreement first attempted to clarify sharing of NATO assets for EU missions, and the Lisbon Treaty built on this previous agreement: To allow for better cooperation, the Lisbon Treaty is supposed to "pave the way towards reinforced cooperation amongst a smaller group of Member States,"[20] allowing EU member states to formulate policies in cooperation with other concerned member states or in conjunction with NATO, rather than using only NATO capabilities and resources. "The EU will not supplant NATO or vice versa,"[21] but the Lisbon Treaty provides avenues for better coordination.

The U.S.: NATO First?

The Obama administration has made it clear that it has no reservations about a stronger European defense capability and a stronger international security actor. Although NATO has long been viewed as the primary transatlantic security institution and ally, the new National Security Strategy (NSS) calls for "bilateral, multilateral, and global strategies"[22] to address twenty-first century challenges. NATO's new Strategic Concept is likewise an attempt to evolve to meet the new challenges so that, as stated in the NSS, NATO can remain the "pre-eminent security alliance."[23]

Proof of the U.S.' commitment to NATO is in its preference for NATO channels to work with Russia through a revitalized NATO-Russia Council. As such, the U.S. seeks ways that "NATO and Russia can improve their partnership by better reassuring each other about respective actions and intentions, through greater military transparency, the sharing of information, and other means of building trust and confidence."[24]

A Broader Europe and Reinvigorated Germany for the Twenty-First Century?

The Risks of Enlargement Fatigue

In its first half century the European Union's main tool of foreign policy was accession. The *acquis communautaire* clearly states the conditions for membership in the EU, including government transparency, compliance with agricultural policy, and adherence to the economic Stability and Growth Pact, among others, and meeting these conditions in order to join the increasingly powerful and wealthy economic Union has proven to be an essential component of the EU's neighboring countries' transition to democracy. Such transitions are evident in the hurdles overcome by the ten member states that joined in May 2004 and the successes they have since seen; the effect of EU leniency on successful democratic transitions is also evident in those states who have not quite crossed the hurdles (Romania and Bulgaria), but who, nonetheless, achieved membership in 2007. In the wake of these most recent enlargements, together with the financial crisis, Europe feels overstretched and increasingly overburdened and is suffering from enlargement fatigue. Some would also argue that the EU has reached the limits of its borders and has no reason for further enlargement. The EU's successful foreign policy tool—membership—has lost some of its allure for the EU's neighbors to the southeast—the Balkans and Turkey—who are struggling to meet the requirements of the *acquis* and who will not receive leniency from an EU concerned about cost and identity.

Thus, the Lisbon Treaty is an attempt to create new foreign policy tools for a Union that may have reached its limits and to modernize the institutions of the European Union and bring a more effective actor and partner into the twenty-first century. As the EU takes on more competencies, especially those that touch individual citizens, it hopes to create a community of Europe-minded publics. As the EU's borders expand and as European populations grow, mostly thanks to immigration, the question of Europe takes center stage: what and who is it and is the EU useful for individual states? Externally, as Turkey finds itself more involved in Middle Eastern affairs, one wonders whether it still wants to be part of the Union or if Europe's enlargement fatigue has lost it an essential ally.

Internally, the EU needs to prevent fractures—between old and new states, north and south, euro and non-euro—and avoid any discussion of a two-track EU. Dividing the Union into clubs of successful and struggling, especially as it pertains to economic stability in members such as Greece, there is a risk of sidelining the entire EU as a body rife with internal rivalries.

Global Consequences of Enlargement

A European enlargement in coming years is a strategic issue for the U.S., with direct consequences for policy. For example, EU membership for the Balkans could change the U.S.' outlook on the region from one of a security concern to one of cooperation. So, too, can Turkish membership influence policy, both by providing a bridge to the Middle East but also potentially hampering relations through disputes with Cyprus and Greece and, more recently, Turkish nationals trying to bypass the Israeli blockade of Gaza. As a NATO member, Turkey is already an essential ally for the U.S. and its membership in the EU would reinforce Turkey's and the EU's importance in transatlantic relations.

Thus, enlargement has a direct effect on how the EU could respond should the global agenda change; i.e., if the U.S. is forced to divert its attention ever farther from Europe. But does the EU have the political will for further enlargement, either in Turkey or in the post-Soviet space? Some argue that two camps are emerging on enlargement: the skeptics (including France and other founding members of the European Community) who worry about the expense of adding

new members and the influx of new workers in an economic downturn and the proponents (the UK, Spain, Sweden, and the eastern member states) who are eager for access to new markets. Germany, long a proponent of enlargement, is becoming an EU enlargement skeptic as the financial crisis causes ever-more concern.[25]

Germany: Still in the Driver's Seat

The EU may be taking on more competencies, but Germany is certainly not in the backseat: it is the economic driver of the EU, a trusted partner in the transatlantic relationship, and contributes the third largest troop contingent in Afghanistan. But Germany, at the heart of Europe, stands to lose influence as the southern member states and southern neighbors struggle economically. Despite inward-looking voices clamoring for German interests first, "the pursuit of a narrow national interest does not serve Germany well in its European role."[26] Will the Greece crisis be the impetus for Euroskepticism in Germany, a country that has greatly benefited from European integration?[27] Will Germany be able to sustain its involvement in an unpopular military conflict in Afghanistan?

In security matters, Germany is present but disengaged—acting, but not committing the intellectual input of a medium-sized international power or of a leader in a regional organization. It is only willing to take on the economic responsibility and clout of a mid-sized power, not the political responsibility.[28] This is partly due to the German public's tradition of pacifism and a lack of urgency; Germans do not have the same sense of threat as does the U.S. and the Afghanistan conflict is disconnected from their daily lives. The Chancellor, too, tries to disconnect herself from the unpopular reality of the conflict, for example, by her long reluctance in attending funerals for the fallen soldiers. Still, the beginning of a shift in attitude—if not policy—can be seen in Germany; first, in promoting a charismatic leader as Minister of Defense, Karl-Theodor zu Guttenberg, responsible for reinvigorating the Ministry to align it with the new global threats and, second, in calling the Afghanistan conflict a "war," some of Germany's political elite are beginning to confront a strong hesitancy against the use of its armed forces.

Many have argued that the Greece crisis could spell the end of European integration. Certainly, the crisis has unveiled in Germany a weariness with the European project and a sense of the primacy of German interests. But as Princeton professor Andrew Moravcsik recently argued, European interests are German interests: "Germany and France did not bail out foreigners; they bailed out their own people. Self-interest left them no choice."[29] Thus, German governments now and in the future must do a better job of communicating to voters the need for German involvement in NATO, intellectual contribution to European policy, and the inherent "Germanness" of European interests. Consistently addressing these issues will embed the idea of Europe in a new generation of Germans.

Just as Germany needs Europe, so, too, does the EU need Germany. Avoiding internal rifts will be dependent on member state governments moderating the discussion in their countries. In Germany, where some argue that electoral concerns essentially dictated the handling of the Greece crisis, this is especially true. As Dr. Jackson Janes recently stated, "Europe also needs a political narrative explaining why [reforms] are needed to a set of nervous populations."[30] New EU leaders are undoubtedly a positive aspect of the Lisbon Treaty, but in responding to crises and driving the substance of EU policy, member state leadership will remain essential for the EU. Merkel can continue to fulfill this role, as she did during the G8 presidency and during negotiation and ratification of the Lisbon Treaty.[31] As the EU begins the long transition within the Lisbon framework, there is still a need for German leadership both in facilitating the process and in working with Europe's partner across the Atlantic.

Conclusion

In looking at the next decades, the EU must decide how it wants to act globally and how it can achieve internal cohesion. Will it move beyond its scope as a regional player? Does it have—and will it use—its civilian and military capabilities to be a valuable partner to the U.S.? How can the EU and NATO coexist institutionally and politically? The Lisbon Treaty is a step toward answering these questions for the EU.

Amid internal EU struggles, the rise of developing countries, and the U.S.' commitment to NATO, some question Europe's relevancy for the twenty-first century. European relevance is not in who it is but in what is does: banking regulation, energy policy, stabilization missions in the Balkans and Africa, promoting democracy in its neighbors, to name only a few issues. With new powers rising and the risk of drifting from the core transatlantic alliance, Europe can seek to maintain its relevancy by action and pragmatism. The U.S. wants product; the EU process. Getting bogged down in the institutional and procedural details will not aid the EU's quest to be a global player. The U.S. wants an ally; now, with the Lisbon Treaty and Germany looking to return to the driver's seat, the EU has the institutional capacity and political impetus to act accordingly.

NOTES

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5 Kissinger denies having said this, but the sentiment remains the same.

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12 The Council of the European Union has ten configurations under the Lisbon Treaty, one of which is Foreign Affairs. For more information, see <http://www.consilium.europa.eu/showPage.aspx?id=427&lang=en>.

13 General Secretariat of the Council of the EU, "Background: The High Representative for Foreign Affairs and Security Policy / The European External Action Service," <http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ed/111301.pdf > (23 June 2010).

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27 Euroskepticism here is meant as a critical outlook on European integration, not just on the euro.

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The EU is largely considered a success story, mirroring the success of one of its most powerful members - Germany. Yet, critics of the EU see several problems: recent enlargements create a less unified voice; the Union suffers from a democratic deficit; and there is the periodic reluctance of both the European Union and Germany to consider themselves global actors. Analyzing Germany's role in the EU adds another dimension to the examination of Germany's foreign and domestic policy choices in the twenty-first century. AICGS' project on "Germany in the European Union" examines the role Germany is playing in the EU and analyzes the choices the country faces on a wide variety of issues, from economic to security questions.

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