

# BULLETIN

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## The EU High Representative's First Year in Office: a Balance Sheet

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*The post of the EU High Representative for Foreign Affairs and Security Policy (HR), created by the Lisbon Treaty (LT) in response to the former institutional dualism of EU foreign policy, intends both to improve the external representation of the EU and clearly to highlight the centre responsible for conducting the CFSP. After more than a year in office, HR Catherine Ashton has not yet overcome the dysfunction in the EU's foreign policy.*

**Background.** The appointment of Catherine Ashton as the HR, which was made by the European Council on 19 November 2009, caused much controversy. The former EU Trade Commissioner was accused of having both a lack of discernment in the world of diplomacy and inexperience in military, defence, security and crisis-management issues. This decision, on the one hand, reflected the complexity of a situation in which the nomination required the approval of all EU member states and thus balanced political interests and geographical equilibrium. On the other hand, it was also an expression of the lack of preparedness on the part of EU members to take full advantage of the opportunities offered by the Treaty of Lisbon. During subsequent hearings in the European Parliament (EP) in December 2009 and January 2010, the HR pointed out her three priorities: the creation of the European External Action Service (EEAS); more active EU engagement in crisis areas such as the South Caucasus region, the Middle East, Africa and Afghanistan; and, the strengthening of cooperation with EU strategic partners, to which Ashton placed the United States, China, Russia, India, Brazil and Japan.

It is symptomatic that the HR's first speeches were characterized by a noticeable reticence about developing the Common Security and Defence Policy (CSDP), but also by the clear announcement to focus on these aspects and problems of the CFSP, that do not raise controversy among EU member states. This position was a clear signal that Ashton would prefer to administer rather than coordinate and stimulate, as was the intention of the Lisbon Treaty, the development of CFSP/ CSDP.

**Institutional Issues.** The main negotiations for establishment of the EEAS, due to the absence of precise Treaty provisions, burdened significantly in the first half of 2010 the agenda of the HR, who according to the Lisbon Treaty was obliged to submit a proposal for setting up this new structure. Serious difficulties in negotiations, resulting from the need, to protect, on one hand, the interests of EU Member States in a sensitive (from a sovereignty point of view) area of foreign policy, and, on the other hand, the prerogatives of EU institutions, resulted in a compromise in late June 2010, not before April as was previously decided by the European Council. Given the traditionally lengthy process of creating and implementing EU legislation, the facts that the EU Council on July 26 adopted the decision determining the organization and functioning of the EEAS and the official inauguration of the new service took place on 1 December 2010 seem to reflect the smooth progress of negotiations and the HR's high level of determination to create the structures of EU diplomacy. Nevertheless, staffing issues in the EEAS has caused considerable controversy. While the merit competences of the highest officials appointed by the HR are generally not disputed, the problem of geographical balance, especially given the clear dominance of Anglo-Saxon and Nordic countries in the central administration of the EEAS, raises concerns among not only the new member states, which are traditionally under-represented in the structures of EU diplomacy, but increasingly also from other members of the EU. Another problem with EEAS staffing is gender balance.

More than a year after the entry into force of the LT, the lack of political will among EU Member States and the initiative led by the HR mean that the Permanent Structured Cooperation—the treaty mechanism that allows the EU to deepen cooperation in the area of the CSDP—not only has not been conceptualized, it hasn't even been more seriously discussed. Similarly, the Start-Up Fund, designed in accordance with Article 41, Paragraph 3 of the Treaty on the European Union to fund the preparatory activities of the EU's external missions, has not been set because the HR has not submitted to the EU Council a draft decision on the conditions of its creation. In 2010, not only did reform plans intended to introduce a three-year budget for the European Defence Agency (EDA) fail, but also this year's agency budget has been set at the 2010 level due to a United Kingdom veto of the proposed budget. Also, Ashton's decision to liquidate some of the positions of the EU Special Representatives at the end of February 2011, which was not accompanied by a general reflection on the future of these posts and their significance within the context of the emerging EEAS, is raising controversy. However, a noticeable trend towards increased autonomy for the defence ministers' format in the Council for Foreign Affairs can receive a positive assessment. This evolution, which resulted in a separate meeting for defence ministers in December 2010 and independent decision-making (previously, formal approval by the foreign ministers was required), not only will facilitate in the future the preparation of the EU Council agenda in this area but also can contribute to improving the visibility of European security and defence issues.

**Foreign Policy.** The first major test of the effectiveness of the changes introduced by the LT in the area of the CFSP was the earthquake in Haiti in January 2010. This disaster, as well as the fires in Russia and floods in Pakistan later that year, pointed to the EU's serious difficulty in responding to such crises. While it is difficult to accuse the EU and its Member States of providing insufficient aid, it turned out that the appointment of the HR has not automatically resulted in a faster, more adequate EU response to such events, greater EU symbolic and political visibility or a higher degree of coordination of a number of actions undertaken at that time at the national and EU levels. It seems that the establishment within the EEAS structure of a new managing director responsible for crisis response and operational coordination can improve the EU response in this area.

Also, relationships with strategic partners (SP) in 2010, defined by the HR as a priority, hardly can be described as a success of EU diplomacy. Both the cancellation by the American side of the EU-U.S. Summit, which had been scheduled for May 2010, and the results of voting in the UN General Assembly in September on a resolution about EU participation in the work of the UN (the majority of the SP decided then to postpone the vote or abstain), indicate not only the weakness of these types of relationships but also the lack of a concept about how to create them. In September of last year, the European Council initiated efforts aimed at assessing the potential as well as the content of the EU's strategic partnerships as to what was a good initiative. They resulted subsequently in documents prepared by the HR in December on the EU's interests in its relations with the United States, Russia and China. However, an announcement made by the HR to expand the group of strategic partners threatens to further overstretch the idea of this instrument.

In other matters, initially criticized for a lack of interest in the Middle East peace process, the HR has now visited the Middle East three times, trying to underline the EU's engagement in this region and the EU's determination to end the blockade of the Gaza Strip. Currently, the most serious challenge for the HR in the Mediterranean region is the political situation in Tunisia and Egypt. Also, it is difficult to clearly assess at this point in time the HR's commitment to combating sea piracy. Certainly worth noting are meetings arranged in 2010 with authorities in Kenya, Tanzania, the Republic of Seychelles, South Africa and Mauritius, which prove that Ashton is aware of the seriousness of the problem. However, the EU has not yet convinced African countries to strengthen their cooperation in the matter. The EU's commitment to establishing a dialogue between Serbia and Kosovo and the resumption of negotiations with Iran on its nuclear program should be counted as successes of Ashton's first year in office as a High Representative.

**Perspective.** It seems that the long-term evaluation of Ashton's activity as HR will be linked to her willingness and ability to, on the one hand, shape the EU's foreign policy, going beyond the lowest common denominator, and, on the other hand, to build consensus and support for more ambitious initiatives. Currently, the most urgent tasks for Ashton should be the improvement of strategic communication and the development of an adequate formula for EU political representation, allowing another to substitute for Ashton if necessary, so that the HR could better devote herself to the conceptualization of both CFSP and CSDP.