

The Trio Presidency and EU Foreign Policy: muddling through

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»» The complex institutional design of the Treaty of Lisbon codifies a basic political compromise. Instead of delegating sovereignty to the Union on foreign policy issues, member states have agreed to establish a stronger institutional centre of gravity at EU level, acting as a catalyst for the convergence of their foreign policies. Member states would not be constrained by Brussels but would accept a further degree of input and coordination from the centre to shape a common message and speak with one voice or, at least, consistent ones. In short, it is more a matter of chemistry than one of obligation.

This core political deal rests on a quite precarious gamble, namely that the chemistry would work. The Lisbon Treaty attributes to the President of the European Council, the High Representative (HR) and the European External Action Service (EEAS) most of the tasks hitherto fulfilled by the rotating Presidency in EU foreign and security policy. Holding the Presidency gave member states a strong stake in EU foreign policy and an opportunity to showcase and pursue national priorities. Besides, it provided national leaders cherished visibility on the European and global stage. It is of essence that, under the new system, the prerogatives of EU bodies are reconciled with the engagement of member states in delivering a common EU foreign policy. Relations between the new Lisbon structures and member states are therefore the cornerstone of the EU foreign and security policy.

The experience of the Trio Presidency involving Spain, Belgium and Hungary, between January 2010 and June 2011, provides an interesting vantage point to explore the early practice of, and perspectives for, EU foreign policy after Lisbon.

HIGHLIGHTS

- The rotating Presidency of the EU Council has lost most of its prerogatives in EU foreign policy but the engagement of member states is critical for the credibility of the Union on the global stage.
- The experience of the last Trio Presidency revealed serious strains under the fledgling Lisbon foreign policy regime, not least due to uncertainty on the respective roles of different actors.
- A stronger impulse from the centre, better agenda-setting and more information sharing are essential factors to overcome the sense of disconnect between the EU and member states.

»»»»» **WORKING OUT THE CHEMISTRY**

Spain, Belgium and Hungary have held the rotating Presidency of the Council at a time of profound change in EU foreign policy structures, following the entry into force of the Lisbon Treaty in December 2009 and during the progressive establishment of the EEAS from late 2010 to summer 2011. As such, theirs have all been transitional presidencies, adjusting to an evolving context with a good degree of flexibility. Broadly speaking, their role shifted from enabling the first, tentative steps of the fledgling new structures to empowering them and, eventually, working with EU institutions as they consolidated.

Spain: experimenting

Spain had to prepare for its Presidency under a 'veil of ignorance' as to whether and when the Treaty of Lisbon would come into force. After it did, establishing the EEAS was the newly appointed HR Catherine Ashton's top priority. Negotiations lasted about six months, involving the HR and her staff, senior representatives of the Trio presidencies, the Commission and, as of May, the European Parliament; and they proved hard. The Spanish Presidency played a significant, if discrete, facilitating role towards the end of this process. This paved the way for an agreement on the new Service with the members of the European Parliament, which was eventually reached in Madrid on 21 June.

Aside from this overarching political challenge, the Presidency had to apply a new regime whose supporting institutions did not exist yet, aside from the HR and her staff at the very top. Agenda-setting at the level of the Foreign Affairs Council (FAC) and of the Political and Security Committee (PSC) was not always easy, since the HR and her core team were not yet supported in this task by adequate structures, and could not draw on past experience.

On the whole, member states felt uncomfortable with the resulting uncertainty, and with the delays that affected the proceedings of the PSC

and agenda-setting for the FAC. Informal meetings were organised by the Presidency with PSC Ambassadors to discuss evolving working methods, a practice that lasted under the Belgian Presidency and beyond.

The HR started chairing the Foreign Affairs Council (FAC) upon taking office. It soon became clear that her workload was such as to require close cooperation with the Presidency to replace her, if and when need be, in ministerial-level meetings with third countries and, sometimes, before the European Parliament. While communication between the Presidency and EU structures was not always fluid, the Spanish Foreign Minister chaired various political dialogues and travelled on behalf of the HR to the Caucasus and Central Asia. He also took the lead in the preparation of the Euromed summit and of the EU-Mercosur summit, which took place under the Spanish Presidency. When needed, the State Secretary for European Affairs replaced Lady Ashton at the European Parliament.

When Lisbon came into force, the delegations of the Commission became EU delegations. This triggered a scrutiny of their readiness to take up broader, more political tasks. Requirements included a minimum size, a capacity for political analysis and a secure communication system. It quickly emerged that only a few delegations met all these conditions whereas most required upgrading, a process that is still very much in the making. In the first part of 2010 Spanish missions abroad performed the Presidency's tasks where EU delegations were not present. In the absence of both EU delegations and Spanish missions in the field, the following presidencies under the Trio would take charge. Spain fulfilled the role of the Presidency in those countries that participated in the summits held during the semester until these events took place, with relevant functions shifting to EU delegations afterwards.

Belgium: empowering

The Spanish Presidency left to the Belgian one a complex heritage, marked by ambiguity

regarding respective functions and some turbulence both between EU institutions and between EU structures and member states. However, the adoption of the Council Decision on the establishment of the EEAS on 26 July 2010 set the stage for progress in the second part of the year.

In taking over the Presidency, Belgium was soon to realise that the gap between its aspirations and reality would be larger than expected. On the one hand, Belgium aimed to break with previous practice and empower the new EU institutions in accordance with the Lisbon Treaty. On the other, it found out that the Presidency would have to carry more responsibility to supplement an as yet weak EU framework and provide political impulse when needed. In this context, the fact that Herman Van Rompuy, the

President of the European Council and a key player in EU foreign affairs, is a former Belgian Prime Minister proved an asset.

A task-force at cabinet level had been set up from March 2010 linking the Presidency and the HR to prepare the upcoming semester and, in the course of it, support a

seamless exchange, for example to ensure consistency in the preparation of the FAC and of the General Affairs Council (GAC) on matters related to the enlargement dossier. In this context, the Belgian Presidency performed an important bridging role.

The preparation of the informal meeting of foreign ministers in September (the so-called 'Gymnich') provided an interesting 'positioning' test for the Presidency on the crowded EU stage. Before summer, the President of the European

Council took the initiative of dedicating a special summit to discussing the strategic partnerships of the EU with major global actors. Some uncertainty followed as to respective tasks for preparing the debate. The Presidency was instrumental in ensuring that the HR would take the lead on content with a view to the 'Gymnich' meeting and the FAC, while Belgium would organise the logistics and oversee that successive meetings were properly connected, in the run up to the conclusions of the European Council.

Belgium continued to chair the PSC and the CFSP Council working groups, seeking to perform a balancing act whereby it would ensure the smooth running of the proceedings, while fitting the new 'chain of command' leading up to the HR. Outside Brussels, Belgium supported the exercise of the Presidency functions, such as presiding over coordination meetings with the Heads of Mission of the 27 member states, by the EU delegations. It also encouraged more joint analysis and reporting from the field.

New modalities were also tentatively introduced concerning the representation of the Union at the multilateral level, such as at the ministerial conferences on biodiversity in Nagoya and on climate change in Cancun. While not CFSP issues, these were important global negotiations on matters of shared competence between the EU and member states. Drawing on Article 17 of the Treaty on the European Union, Belgium associated the Commission in the representation of the Union, with the Presidency and the Commission representatives sitting side by side, behind an EU nameplate, and speaking on different issues depending on whether they fell under national or EU competence. Similar transitional arrangements for the representation of the Union were experimented with at the Food and Agriculture Organisation in Rome. Such an interpretation of the implications of the Lisbon Treaty for the external representation of the Union in matters of shared competence, however, was and remains contested by a number of member states.

While the jury is still out, the window of opportunity to convert Lisbon's potential into action will not stay open forever

»»»»» *Hungary: supporting*

The Belgian Presidency sought to create irreversible momentum behind the difficult implementation of the Lisbon Treaty in the domain of foreign policy and external relations. In so doing, it met both the reservations of a number of member states, and the limits of what the fledgling EU structures could deliver, compounded by inter-institutional tensions. The formal launch of the EEAS on 1 December 2010 marked an important milestone and changed the context within which the rotating Presidency would operate.

Hungary lacked a blueprint on how exactly to interact with the new service. It needed to learn on the job, at a time of profound turmoil in the Mediterranean and divisive military engagement in Libya. With a view to promoting regular consultation, the Coordination Division of the EEAS set up weekly conference calls involving officials from the Service and the Presidency, based in Brussels and in Budapest.

As the EEAS took shape, representatives of the HR were progressively appointed to chair on a permanent basis the PSC and the preparatory bodies of the FAC, to most of which rotation would no longer apply. The new permanent chairs were tasked with taking the lead on agenda-setting while consulting with the rotating Presidency, as well as other member states, as needed. So far, this has been done to different degrees depending on the working group.

Like those preceding it, the Hungarian Presidency continued to organise and host the informal meetings of Defence and of Development ministers, while the HR and the EEAS set the agenda, drawing as relevant on input from the Presidency and from member states. The same went for the informal ‘Gymnich’ gathering of foreign ministers in March 2011, although the preparation of the latter exposed some differences between the HR and the Hungarian Presidency on priority items for the meeting.

As its predecessors in the Trio, the Hungarian Presidency was often required to step in and replace Lady Ashton in political dialogues with third parties during the first part of 2011. This was also due to the huge pressure put on as yet fragile EU structures by the mounting crisis in the Arab world and particularly in Libya. Developments in the Mediterranean required a particular focus on emergency response and on the review of the European Neighbourhood Policy, pushing the envisaged summit on the Eastern Partnership from May to September 2011, when it will be co-hosted by Poland, current holder of the Presidency, and Hungary.

In third countries, such as in Iran and Belarus, Hungarian embassies carried out the Presidency functions in the absence of an EU Delegation in the field. This was also the case in Libya, where the Hungarian mission was charged with sensitive tasks of representation and coordination. The modalities of EU representation in multilateral settings, notably in matters of shared competence, remain ill-defined and a source of controversy within the Union.

What next?

The experience of the Trio Presidency involving Spain, Belgium and Hungary has been contingent upon the unique context of the transition from the pre- to the post-Lisbon regime and, as is the case for all presidencies, driven by events. As such, it does not provide definitive lessons for the future. The last 18 months, however, offer important insights into key aspects of EU foreign policy-making, highlighting the many challenges ahead.

On the whole, uncertainty about respective roles, and ensuing controversy on specific decisions, engendered a sense of disconnect during 2010 between member states and as yet weak EU foreign policy structures. At the turn of the year, the Arab spring served to magnify underlying ambiguities and tensions. In the face

of uprisings in the Southern Mediterranean, and of mounting violence in Libya, an EU position has been laboriously worked out after much national grandstanding, exposing divergence between member states, instead of providing early on a framework for consistent national initiatives. Debate within the Union on less high-profile policy-issues, from the review of CSDP missions in the Palestinian territories to common strategies towards the Horn of Africa (rejected) and the Sahel region (eventually adopted) revealed unease on the part of many member states with the preparation and the substance of corresponding papers.

It was expected that, as the new EU foreign policy structures were being set up, things would get worse before they got better. If, however, 2011 is to signal a progressive shift from disenchantment with EU foreign policy towards a more tangible commitment to it, the EU framework needs to grow stronger, and special care needs to be given to relations between EU actors and member states.

Agenda-setting should be tighter and more forward-looking. Whether at the level of the FAC or of the PSC and of Council working groups, managing the agenda entails on the part of the HR and of the other permanent chairs a difficult balancing act between 'being receptive and setting the direction', as an EU official put it. While this is very much work in progress, the permanent chairs have started to develop a better feel for the diverse priorities of member states and to arrange proceedings accordingly, although practice varies group by group. Regular exchanges through the networks of political directors and European correspondents feed agenda-setting, in addition to debates in Brussels-based bodies. There is also growing awareness, including among member states, of the need to better structure discussions at the FAC, taking a more forward-looking approach to anticipate upcoming issues and focusing on a small number of key items to make room for real debates as opposed to shallow *tours de table*.

The launch of the EEAS has brought about the opportunity for more continuity in running the agenda, but also the challenge of giving it the political impulse that each country sought to inject at the start of its Presidency, and which may falter. Where relevant, flagship national initiatives will have to be channelled through common structures, striking the balance between a degree of political exposure for the Presidency and the prerogatives of EU actors. Team play will be of essence in managing the huge workload of the HR. The rotating Presidency and the Trio are likely to continue to play an important role in supporting the HR, notably by representing the Union on her behalf in political dialogues at ministerial level and by taking the floor at the European Parliament when need be.

Beyond Brussels, the process of upgrading the political profile of EU delegations should be pursued by enhancing their own analytical capacity and outreach and by promoting joint analysis and reporting with national embassies, whether at the request of Brussels bodies or at their own initiative. Closer cooperation and regular information-sharing between national missions and EU delegations requires the latter to be equipped with secure communication systems, which only a few of them currently have. This is a question of providing EU member states with a level playing field of common information and to foster the habit of early consultation not only in Brussels but also in the field. It is also a question of personnel and, therefore, adequate resources.

CONCLUSION

Since January 2010, the newly appointed EU leaders, the rotating Presidency and EU member states have had to devise ways to work together while at the same time running EU foreign policy. This was to some extent a trial and error process alongside the establishment of the EEAS which, perhaps inevitably, absorbed a lot of energy and stirred much controversy in Brussels.



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»»»»» A year and a half later, the basic structures are in place and some patterns of formal and informal cooperation are laboriously emerging.

A framework of rules and institutions is not, however, a substitute for the political chemistry that should inform cooperation between EU and national actors. That is a matter of confidence and comfort in working together, sharing information and consulting upstream to jointly deliver downstream. Progress in this direction will surely not be achieved overnight but, so far, it has been slow and has exposed serious strains. Member states should provide EU bodies with more political space for genuine initiative. EU bodies should prove their added value by driving

the convergence of national positions. Striking the right balance between these concurrent and, sometimes, competing requirements will be a key test for the recent assumed Polish Presidency, in cooperation with European institutions. While the jury is still out, the window of opportunity to convert Lisbon's potential into action will not stay open forever.

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