

Background

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EU Foreign Policymaking Post-Lisbon: Confused and Contrived

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Abstract: *The European Union finally succeeded in ramming through introduction of the Lisbon Treaty in December 2009. The treaty was touted by the powers in Brussels as the vehicle that would create the long-awaited “single phone line” to Europe. Lisbon was to streamline the gargantuan EU bureaucracy and make communication between the two sides of the Atlantic smooth and tidy. Instead, the mess is worse than before, with five EU “presidents” tripping over each other and confusing Washington with ill-defined, overlapping, and flat-out confusing roles and foreign policy objectives. The Lisbon Treaty essentially allows the EU a foreign policy power-grab, the driving force of which is the notion that the countries of Europe will be stronger collectively than they are separately. But sovereignty cannot be traded for influence, and the EU’s attempts to do so could threaten the security of Europe—and of the United States.*

After eight years of tortuous negotiations and three referenda rejections, the European Union (EU) formally introduced the Lisbon Treaty on December 1, 2009. But it has taken just three months for the EU’s oft-repeated claim that the treaty would create a “single phone line” to Europe to unravel.

The Lisbon Treaty was meant to address the question famously attributed to Henry Kissinger—“Who do I call if I want to speak to Europe?”—by instituting a permanent EU president and foreign minister and by streamlining Brussels’ mammoth bureaucracy,¹ but it has created more confusion than clarity, with no fewer

Talking Points

- Instead of creating a “single telephone line” to Europe, the introduction of the European Union’s Lisbon Treaty has created more confusion than clarity.
- The appointment of the underqualified and inexperienced Catherine Ashton as the EU’s High Representative for Foreign Affairs ensures that the European Commission will dominate foreign policymaking and that member states’ national interests and sovereignty will be a secondary consideration for EU policymakers.
- The Lisbon Treaty does not create additional military capacity for Europe.
- The EU failed to respond effectively or meaningfully as an institution to the earthquake in Haiti, despite the introduction of the Lisbon Treaty.
- Washington should oppose the creation of a duplicate EU security alliance, which will undermine NATO and draw on Europe’s single set of military resources.
- President Obama should stress the value of America’s bilateral relationships and assert the primacy of NATO in European security arrangements.

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than five people now sporting the title of president within the EU.² The appointment of Britain's Catherine Ashton to the post of High Representative for Foreign Affairs and Security Policy has compounded Washington's confusion, with U.S. officials unimpressed by her lack of stature and experience on the international stage.

Amid Brussels' institutional navel-gazing, President Barack Obama announced that this coming May, he will be the first U.S. President to miss the annual EU–U.S. summit in nearly two decades.³ Confronted with Iran claiming itself a nuclear state, as well as the need to lead an Anglo–American surge in Afghanistan and deal with a major humanitarian disaster in Haiti, President Obama has concluded that he does not have time to sort through the diplomatic mess created by the Lisbon Treaty.

Far from simplifying matters, the Lisbon Treaty has created several additional layers of EU “leadership” with significant foreign-policymaking implications for the transatlantic alliance. The treaty has added a 28th European foreign minister for Foggy Bottom to consult without creating a corresponding military capacity to provide a meaningful partnership with Washington.

President Obama should therefore stress the value of America's bilateral relationships and oppose the creation of a second alliance competing for Europe's single set of military resources. He should engage with Brussels in instances where engagement can genuinely add value but stress NATO's primacy in European security arrangements. Finally, Washington should fully explore the implications of the Lisbon Treaty for foreign policymaking and make clear that it does not seek to replace

America's time-tested relationships with a single European telephone line.

The New EU Foreign-Policymaking Machine and Its Operators

Despite more than 200 pages of amendments, declarations, and protocols, the Lisbon Treaty has left the various responsibilities of foreign policymaking ill defined among its actors. Although the new EU foreign minister has primary jurisdiction over the EU's main foreign policy tool, the Common Foreign and Security Policy (CFSP), the permanent president of the European Council and the six-month rotating council president also represent the EU on the world stage.

Nor is the right to initiate or implement foreign policy entirely clear. The Council of Ministers will adopt measures (by qualified majority) to implement the strategic vision set forth by the European Council (voted by unanimity).⁴ The High Representative and European Commission can also make recommendations to the European Council on CFSP and external action matters, respectively, and the council is then obliged to engage in “mutual sincere cooperation.”⁵ The commission further maintains responsibility for multiple areas of external policy, including enlargement, trade, development, and humanitarian assistance.

Rather than simplify foreign policymaking, the Lisbon Treaty has created an institutional hydra with growing numbers of appendages responsible for different aspects of the foreign policy toolbox. When President Obama asks to speak to “Europe,” he could be referencing one of five people: Herman van Rompuy, president of the European Council;

1. Henry Kissinger has been widely quoted as asking this question but denies having ever posed it. See Gideon Rachman, “Kissinger Never Wanted to Dial Europe,” *The Financial Times*, July 22, 2009, at <http://blogs.ft.com/rachmanblog/2009/07/kissinger-never-wanted-to-dial-europe> (March 9, 2010).
2. President of the European Council, President of the European Commission, Rotating President of the Council of the European Union, President of the European Parliament, and President of the European Central Bank.
3. Valentina Pop, “Obama to skip EU–US summit in Madrid,” *EU Observer*, February 1, 2010, at <http://euobserver.com/?aid=29377> (March 11, 2010).
4. Conference of the Representatives of the Governments of the Member States, Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community (hereinafter Lisbon Treaty), Article 1, 24, December 3, 2007, p. 32, at <http://www.consilium.europa.eu/uedocs/cmsUpload/cg00014.en07.pdf> (March 9, 2010).
5. Lisbon Treaty, Article 1, 14, pp. 21–22.

José Manuel Barroso, president of the European Commission; Spanish Prime Minister José Luis Rodríguez Zapatero, current rotating president of the Council of the European Union; Britain's Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy; and possibly Jerzy Buzek, president of the European Parliament.

The confluence of responsibilities within the EU's foreign policy machine, largely left to sort itself out over time, has predictably created turf wars both internally and between Brussels and the EU's member states.⁶

Catherine Ashton. In a surprise move, the EU appointed the relatively unknown Baroness Catherine Ashton to the position of High Representative for Foreign Affairs and Security Policy. Previously held by Dr. Javier Solana, the post of High Representative is not a new one, but its powers have been considerably enhanced and its title nominally changed.⁷ As the primary CFSP actor, the High Representative is responsible for initiating proposals to the European Council, including security and defense missions;⁸ ensuring the implementation of CFSP decisions through the Foreign Affairs Council, which she will permanently chair;⁹ representing the EU externally on CFSP issues;¹⁰ and appointing special representatives as necessary and overseeing their work.¹¹

Although the High Representative is meant to answer primarily to the European Council and therefore safeguard the primacy of nation-states in

foreign policymaking, Baroness Ashton is also a vice president of the European Commission, presenting a conflict of interest. Baroness Ashton has already chosen to base herself in the commission's Berlaymont building, leading to concerns that arch-federalist José Manuel Barroso will control the CFSP by stealth. Combined with the tremendous number of commissioners with external relations briefs, including EU enlargement, trade, development, and humanitarian aid and crisis response, President Barroso will certainly exercise a great deal of control over foreign affairs.

Catherine Ashton's vulnerability to being pulled in the commission's direction rather than the council's is compounded by a less than stellar résumé and an awkward performance before the European Parliamentary confirmation hearings, where she was capable only of giving vague and generalized answers to specific foreign policy questions.¹² When asked whether the EU should replace France and Britain with a single seat on the United Nations Security Council (UNSC), Baroness Ashton embarrassingly admitted that she knew nothing about the topic, despite clauses in the Lisbon Treaty granting the EU the right to speak for its UNSC members in certain circumstances.¹³ She concluded: "You've caught me out."¹⁴ When asked about her strident advocacy of unilateral Western nuclear disarmament in the 1980s, she claimed that her opinion was formed without ever having visited Eastern Europe but may have changed later in life.¹⁵

6. Stephen Castle, "Turf Wars Must End, E.U. Official Declares," *The New York Times*, March 10, 2010, at <http://www.nytimes.com/2010/03/11/world/europe/11iht-union.html> (March 11, 2010).

7. Dr. Solana's official title was High Representative for the Common Foreign and Security Policy. Baroness Ashton's formal title is High Representative for Foreign Affairs and Security Policy.

8. Lisbon Treaty, Article 1, 33, p. 37.

9. Lisbon Treaty, Article 1, 30, p. 36.

10. *Ibid.*

11. Lisbon Treaty, Article 1, 37, p. 39.

12. "Parliament Grills Ashton for 'Specific' Answers," Euractiv.com, December 3, 2009, at <http://www.euractiv.com/en/future-eu/parliament-grills-ashton-specific-answers/article-187927> (March 9, 2010).

13. "When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the High Representative be invited to present the Union's position." In Lisbon Treaty, p. 40.

14. "Baroness Ashton Grilled Over CND Past and Says: 'I Am Not Ashamed,'" *Daily Mail*, January 12, 2010, at <http://www.dailymail.co.uk/news/article-1242445/Baroness-Ashton-grilled-CND-past-says-I-ashamed.html> (March 9, 2010).

Although the appointment of a Briton may be welcome relief to Washington because of its close relationship to London, it is clear that Baroness Ashton owes no special loyalty to the U.K. In fact, as a European Commissioner, she is specifically obliged to renounce her national loyalties and act in Europe's interest, not Britain's. This was obvious when she was questioned about Operation Iraqi Freedom at her confirmation hearings. Despite owing her appointment to British Prime Minister Gordon Brown, whose country allied itself with the U.S. to lead the liberation of Iraq, she refused to answer the question of whether or not the war was justified.¹⁶ She has also recently stated that she is no longer opposed to the creation of a permanent EU military headquarters that will stand separate from NATO, a policy reversal that clashes directly with London and Washington.¹⁷

Baroness Ashton's foreign policy experience amounts to little more than a year's service in the European Commission, taking over Peter Mandelson's trade brief following his return to Westminster. Nor has Baroness Ashton ever held elective office, having served previously in the unelected House of Lords. She is all but unknown in Washington, with Ambassador Richard Holbrooke unable to recall her name during a dinner with European bureaucrats soon after her appointment.¹⁸

When asked to describe the type of person suited for the role of High Representative, Cambridge University Professor Christopher Hill, testifying before

the House of Commons Foreign Affairs Committee in 2008, stated: "There is only a small group who could be candidates for this kind of job.... They would have to have political weight, managerial capability, experience of at least one side—one hat, as it were—and external credibility." Professor Hill further stated that the appointee "must be somebody who the Americans are willing to take seriously."¹⁹ On these counts, Baroness Ashton falls woefully short.

Herman van Rompuy. Although not quite as surprising as Baroness Ashton's appointment, heated debate did surround van Rompuy's candidacy, largely because of the simultaneous candidacy of former British Prime Minister Tony Blair. In the end, European elites considered Blair too controversial to lead the EU because he had backed Operation Iraqi Freedom, and Belgian Prime Minister Herman van Rompuy took office as European Council president on January 1, 2010.

Van Rompuy is widely regarded as an arch supporter of European integration, supportive of EU-wide taxation, global governance, and supranational treaties to manage the environment.²⁰ He has also proposed tripling the number of EU summits, holding heads-of-state summits on a monthly basis.²¹

The foreign-policymaking powers enjoyed by van Rompuy will be significant. He presides over the shaping of the EU's overall strategic objectives in foreign policy and can call extraordinary council summits in the face of an international crisis.²² This

15. *Ibid.*

16. Gavin Hewitt, "Ashton Gives Diplomatic Answers," BBC, January 11, 2010, at http://www.bbc.co.uk/blogs/thereporters/gavinhewitt/2010/01/ashton_gives_diplomatic_answer.html (March 9, 2010).

17. Bruno Waterfield, "Baroness Ashton Drops Opposition to Euro-Army Headquarters," *The Telegraph*, March 10, 2010, at <http://www.telegraph.co.uk/news/worldnews/europe/eu/7415352/Baroness-Ashton-drops-opposition-to-Euro-army-headquarters.html> (March 11, 2010).

18. Stephen Fidler, "EU Treaty Could Ease U.S. Effort on Mission," *The Wall Street Journal*, December 4, 2009, at <http://online.wsj.com/article/SB125988042088875605.html> (March 9, 2010).

19. House of Commons, Foreign Affairs Committee, *Foreign Policy Aspects of the Lisbon Treaty*, Third Report of Session 2007–08, Point 175, p. 62, January 16, 2008, at <http://europapoort.eerstekamer.nl/9345000/1/j9vvyg6i0ydh7th/vgbwr4k8ocw2/f=/vhrqfa6t86u9.pdf> (March 9, 2010).

20. "Intervention of H. E. Mr. Herman Van Rompuy," *European Commission*, November 19, 2009, at http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/111341.pdf (March 9, 2010).

21. Vanessa Mock, "Van Rompuy Takes Centre Stage," *The Independent*, February 12, 2010, at <http://license.icopyright.net/user/viewFreeUse.act?fuid=NzExODA4NA%3D%3D> (March 9, 2010).

authority presents the possibility of considerable overlap with the High Representative's functions and responsibilities. In fact, when asked by a journalist at their inaugural press conference, "Which of you will Barack Obama be calling when he wants to talk to Europe, and which of you will call Obama when Europe wants to talk to him?" there was an uncomfortable moment of silence from Ashton and van Rompuy before van Rompuy joked that he was awaiting the President's call.²³

Washington Loves the Lisbon Treaty

The Obama Administration has been an unequivocal supporter of further European integration, and specifically the Lisbon Treaty. The Administration sees the centralization of power in Brussels as a "grand experiment" that should be supported and encouraged.²⁴ During a meeting with President Barroso, High Representative Solana, and rotating Council President Fredrik Reinfeldt at the White House last November, President Obama welcomed the passage of the Lisbon Treaty: "I congratulated them [the EU] on the conclusion of the Lisbon Treaty, which will further move Europe in the direction of integration not only on economic policy but also on a number of security issues."²⁵ President Obama

has further stated that he sees EU integration as synonymous with freedom²⁶ and free markets.²⁷

Secretary of State Hillary Clinton has been even more enthusiastic about EU supranationalization. During a joint press conference with new EU Foreign Minister Catherine Ashton, Secretary Clinton stated: "I expect that in decades to come, we will look back on the Lisbon Treaty and the maturation of the EU that it represents as a major milestone in our world's history."²⁸

The Obama Administration has given its full backing not just to economic integration—a longstanding U.S. policy—but also to the centralization of defense and security policies.²⁹ Unlike previous U.S. Presidents, President Obama has refused to publicly endorse the primacy of NATO in Europe's security architecture. Secretary Clinton is also reported to have raised the issue of the British Conservative Party's promise to repatriate select policies from the EU to the U.K. with Shadow Foreign Secretary William Hague.³⁰

EU Foreign Policy: What Will It Look Like?

The framers of the Lisbon Treaty were clearly more interested in centralizing member states'

22. Lisbon Treaty, Article 1, 29, p. 35.

23. Council of the European Union, "Presidency Press Conference Part 6 (Q&A)," TVNewsroom, November 19, 2009, at http://tvnewsroom.consilium.europa.eu/story/index/story_id/15246/media_id/31185 (March 9, 2010).

24. "Clinton Pours on the Praise in Her First EU Visit," *NewEurope*, Issue 824 (March, 9, 2009), at <http://neurope.eu/print.php?id=93228> (March 9, 2010).

25. Press release, "Remarks by President Obama, Prime Minister Fredrik Reinfeldt of Sweden, European Commission President José Manuel Barroso, and European Council High Representative Javier Solana After Meeting," The White House, November 3, 2009, at <http://www.whitehouse.gov/the-press-office/remarks-president-obama-swedish-prime-minister-reinfeldt-european-commission-presid> (March 9, 2010).

26. Press release, "Remarks by President Obama and Chancellor Merkel of Germany Before Meeting," The White House, November 3, 2009, at <http://www.whitehouse.gov/the-press-office/remarks-president-obama-and-chancellor-merkel-germany-meeting> (March 9, 2010).

27. Press release, "Remarks by President Obama and Prime Minister Reinfeldt of Sweden After Meeting," The White House, November 2, 2009, at <http://www.whitehouse.gov/the-press-office/remarks-president-obama-and-prime-minister-reinfeldt-sweden-after-meeting> (March 9, 2010).

28. Press release, "Remarks with EU High Representative for Foreign Policy Catherine Ashton After Their Meeting," U.S. Department of State, January 21, 2010, at <http://www.state.gov/secretary/rm/2010/01/135530.htm> (March 9, 2010).

29. "Clinton, Hillary: 2/22/2010—Transcript," remarks by Secretary of State Hillary Rodham Clinton to the Atlantic Council, February 22, 2010, at <http://www.acus.org/print/7572> (March 9, 2010).

30. Tom Baldwin, Tim Reid, and Sam Coates, "Obama Administration Worried About Cameron Effect in Europe," *The Times* (London), October 21, 2009, at <http://www.timesonline.co.uk/tol/news/politics/article6883075.ece> (March 9, 2010).

power than in creating a clear vision for Europe's future. It is impossible to outline the EU's grand foreign policy strategy, since subsuming members' sovereign foreign-policy-making tools is an end in itself for Brussels. However, in outlining the future of EU foreign policy, High Representative Ashton inchoately stated:

The job of diplomacy is to have a position but the job of diplomacy is also to work out the European Union, where its relationships are, what it should do for the future. As we begin this process, the very beginning of the work of the next few years to bring this all together, it is very important that working with the member states we develop our own policies and strategies.³¹

Confusion remains rife across the EU. The institutional changes secured in the Lisbon Treaty have not created additional political will among the members to effect genuine change on the ground, but they have created the basis for reining in members from potentially taking independent action.

Under the CFSP, member states are required to converge their actions and frame a common defense policy.³² Crucially, each member state is now obliged to consult the others before taking action on the international scene that might contravene the EU's interests.³³ While Lisbon can create neither consensus nor will, it can prevent member states from making foreign policy decisions based on their *national* interests by subjecting those decisions to the approval of other EU members.

Although a veto is rarely exercised in practice within EU institutions, veto power is important when vital national interests are at stake. However, unanimous voting has been removed in several key

areas, and majority voting has been introduced for 12 different areas of foreign policy, including the election of the EU foreign minister and approval of proposals emanating from her.³⁴ Under the Lisbon Treaty's Passerelle clause, the European Council is also allowed to increase the number of non-military CFSP decisions made by qualified majority voting, effectively making the treaty self-amending.³⁵ The reduction in nation-state sovereignty by the Lisbon Treaty is therefore extensive.

European External Action Service. One of the greatest changes in the EU's foreign-policy-making machine as a result of Lisbon is the creation of the European External Action Service (EEAS), the EU's new foreign service. Staff from the commission, the council, and member states will be brought together to create a 6,000-strong diplomatic corps, answerable to the High Representative. The Lisbon Treaty left the details about EEAS open, with the High Representative responsible for specific proposals to be voted on by the European Council at a later date. Baroness Ashton has repeatedly stated that her primary goal is to implement the new EEAS, although serious institutional infighting and differences among member states themselves may delay its implementation past her preferred April timeline.³⁶

In effect, member states signed the Lisbon Treaty without knowing the full details of its diplomatic ramifications, or even how many national personnel will be seconded to the EU to make up the EEAS. It is also unclear how the EEAS will divide its time between supporting the High Representative and the president of the European Council. The funding, location, and diplomatic status of EEAS staff also remain undetermined,³⁷ as does the monitoring of the service as a whole.³⁸

31. "EU's Ashton Avoids Questions on US-China Row," EUBusiness.com, January 31, 2010, at <http://www.eubusiness.com/news-eu/us-taiwan-china.2h8> (March 9, 2010).

32. Lisbon Treaty, Article 1, 27, p. 33.

33. Lisbon Treaty, Article 1, 35, p. 39.

34. See "Parliamentary Briefing #5: Foreign Policy and Defence," Open Europe, at <http://www.openeurope.org.uk/research/cfspbriefing.pdf> (March 9, 2010).

35. Lisbon Treaty, Article 1, 34, p. 38.

36. Arthur Beesley, "Brussels Told 'No Thanks' as It Struggles for Global Influence," *Irish Times*, February 2, 2010, at <http://www.irishtimes.com/newspaper/world/2010/0202/1224263579105.html> (March 9, 2010).

In a rush to realize the supranational provisions of the Lisbon Treaty no matter how premature the move may be, European Commission delegations in 54 countries have already been redesignated as embassy-style EU delegations.³⁹ The creation of a foreign ministry with a diplomatic corps is a primary attribute of nation-statehood and will invariably result in conflict with member states. The reasons for not outlining the specific details of the EEAS in the treaty had to be deliberate in order to dissemble the truly supranationalizing aspects of the Lisbon Treaty.

All Talk, No Action. As with earlier EU treaties, institutional change and power aggrandizement have acted in place of tackling the difficult decisions necessary to project power on the world stage. Procedure has once again trumped policy in the Lisbon Treaty.⁴⁰ The EU has equated an expansion of its bureaucracy with an expansion of its capacity to take on a greater share of global responsibilities. And just as the Maastricht Treaty failed to address the reasons for the EU's failings in the former Yugoslavia, the Lisbon Treaty has failed to increase the speed and capacity for practical action by the EU.⁴¹

Haiti. Three things are necessary to organize an effective crisis response: a clear view of the problem, a simple and unified chain of command, and the proper resources to respond. Under the Lisbon Treaty, the EU was meant to be endowed with all of these qualities, but its pitiful response and blatant political posturing toward America in the wake of the Haitian earthquake have clearly demonstrated Lisbon's weaknesses.

The leader of the European People's Party, Joseph Daul, stated that "Europe was not present" in the aftermath of the Haitian earthquake, which killed an estimated 200,000 people.⁴² Baroness Ashton stated that lessons would have to be learned from Europe's non-response, and EU President van Rompuy proposed the creation of a "humanitarian rapid reaction force."⁴³

Both figures passed the buck in explaining why the instruments of the Lisbon Treaty were not sufficient for coping with this crisis, despite repeated claims during Lisbon's ratification that the treaty would finally afford the EU the ability to stride across the world stage at times of crisis. Ashton defended her physical and political absence from the immediate response to the earthquake by stating: "I am neither a doctor, nor a firefighter."⁴⁴ However, EU Development Commissioner Karel De Gucht visited Haiti just days later, underlining the confusion as to who leads Europe's response in an international crisis. In addition, neither van Rompuy nor Ashton attended the Montreal donor conference on Haiti, leaving European representation largely to French Foreign Minister Bernard Kouchner.

Sovereign states such as France, Ireland, Britain, and the Netherlands all proved themselves quite capable of responding to the crisis before the EU hurriedly threw its cloak over the aid efforts. Baroness Ashton announced that the EU was dispatching more than €400 million to Haiti.⁴⁵ However, much of this money was pledged by individual EU members, and a large amount represented existing funds already earmarked for the country. In total, the EU

37. House of Commons, Foreign Affairs Committee, *Foreign Policy Aspects of the Lisbon Treaty*, Point 182, p. 64.

38. The European Parliament will have some monitoring ability by virtue of its control over EEAS's budget.

39. Andrew Rettman, "EU Commission 'Embassies' Granted New Powers," *EU Observer*, January 21, 2010, at <http://euobserver.com/9/29308/?rk=1> (March 9, 2010).

40. House of Commons, Foreign Affairs Committee, *Foreign Policy Aspects of the Lisbon Treaty*.

41. Sally McNamara, "The EU's Common Foreign and Security Policy: How It Threatens Transatlantic Security," Heritage Foundation *Backgrounder* No. 2250, March 17, 2009, at <http://www.heritage.org/Research/Europe/bg2250.cfm>.

42. Honor Mahony, "Ashton Under Fire for Not Going to Haiti," *EU Observer*, January 19, 2010, at <http://euobserver.com/9/29299> (March 9, 2010).

43. *Ibid.*

44. Doreen Carvajal, "French Groups Criticize Handling of Relief Flights" *The New York Times*, January 22, 2010, at <http://www.nytimes.com/2010/01/23/world/europe/23iht-doctors.html> (March 9, 2010).

45. Mahony, "Ashton Under Fire for Not Going to Haiti."

pledged just €30 million in new emergency aid, with member states pledging a total of €92 million, which the EU cheerfully claimed as its own success.⁴⁶ The additional monies quoted by Ashton represent medium- to long-term pre-programmed loans for reconstruction and rehabilitation efforts.⁴⁷ With both the EU and individual nations pledging aid checks, the EU is little more than a 28th international aid donor.⁴⁸

The Lisbon Treaty was intended to resolve the EU's problems of incapacity and streamline its foreign policy actors. Instead, confusion and inaction have continued with a focus on process rather than outcome.

Iran. The EU has led international negotiations to halt Iran's nuclear weapons program since 2003, guided by a policy of unfettered diplomatic engagement. Yet despite repeated offers of generous incentive packages in exchange for greater cooperation from Iran, Tehran's behavior has grown more belligerent. Iran continues to be a leading state sponsor of terrorism and brutally oppresses internal opposition. On February 11, 2010, Iranian President Mahmoud Ahmadinejad announced that Iran was now a nuclear state, in defiance of the international community.⁴⁹

Just days before Ahmadinejad's announcement, High Representative Ashton spoke before the Munich

Security Conference, announcing that she disagreed with French President Nicolas Sarkozy's call for immediate sanctions. Instead, she sided with the Chinese foreign minister, stating that the "possibilities of dialogue are not exhausted."⁵⁰ She went on to make her position very clear, stating that any discussion of sanctions would be "hasty" and should take place only within the context of United Nations backing. This position stood in contrast to that of the U.S. State Department, which announced that the possibility of sanctions would be discussed within "a few days."⁵¹ It further counters efforts in the U.S. Senate to impose new sanctions on Iran and on companies that assist Iran's oil industry.⁵²

Ashton's soft-pedaling on Iran is hugely important, since she has replaced Javier Solana as head of the EU 3 + 3 (the six powers involved in talks with Iran). The EU has consistently underestimated Tehran's commitment to pursuing the illicit development of nuclear weapons and allowed Iran to play for crucially important time. The EU's continued insistence that sanctions take place only with the U.N.'s backing will further allow Iran to advance its nuclear weapons program, which even the notoriously indulgent International Atomic Energy Agency now acknowledges.⁵³

With or without the Lisbon Treaty, the EU is not in a position to shoulder the burdens of regional or

46. Press release, "Extraordinary Council Meeting Foreign Affairs Brussels," Council of the European Union, January 18 2010, at <http://europa.eu/rapid/pressReleasesAction.do?reference=PRES/10/7&format=HTML&aged=0&language=EN&guiLanguage=en> (March 10, 2010).

47. Leigh Phillips, "Haiti Offered Millions in EU Emergency Assistance," *EU Observer*, January 18, 2010, at <http://euobserver.com/13/29291> (March 10, 2010).

48. Matthew Saltmarsh, "Europe Sends Aid and Pledges Money for Haiti," *The New York Times*, January 16, 2010, at <http://query.nytimes.com/gst/fullpage.html?res=9E05E0DB113FF935A25752C0A9669D8B63> (March 10, 2010).

49. "Ahmadinejad Declares Iran a 'Nuclear State,'" Deutsche Welle, February 11, 2010, at <http://www.dw-world.de/dw/article/0,,5238404,00.html> (March 10, 2010).

50. David Rising and Desmond Butler, "Western Officials Dismiss Iranian Nuclear Proposal," Associated Press, February 6, 2010, at http://www.boston.com/news/world/europe/articles/2010/02/06/germany_iran_must_prove_nuclear_program_peaceful/ (March 11, 2010).

51. "Ashton Warns Against Hasty Iran Sanctions," PressTV, February 3, 2010, at <http://www.presstv.ir/detail.aspx?id=117793§ionid=351020104> (March 10, 2010).

52. On January 28, 2010, the U.S. Senate passed S. 2799, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009.

53. Joby Warrick and Scott Wilson, "Iran Might Be Seeking to Develop Nuclear Weapons Capability, Inspectors Say," *The Washington Post*, February 19, 2010, at <http://www.washingtonpost.com/wp-dyn/content/article/2010/02/18/AR2010021803378.html> (March 11, 2010).

international security. Its performance in Afghanistan has been as shambolic as its commitment to Haiti, dedicating just 281 personnel to aid police training efforts, with up to 2,500 more trainers needed.⁵⁴ America must therefore maintain the relationships and institutions that have successfully stabilized transatlantic security for more than 60 years by investing its diplomatic efforts in European capitals and within NATO.

The Future of EU Foreign Policy

The Lisbon Treaty was passed precisely to remedy the EU's opaque institutional structure and frequent inability to agree on matters of foreign policy. But treaties alone do not create coherence, and it is unlikely that divisive issues such as Kosovo's independence, the surge in Afghanistan, and Turkish accession to the EU will be remedied by this treaty. The confused and contrived structural arrangements of the new EU foreign-policy-making machine also mean that America could easily be caught in unwanted and unnecessary diplomatic arguments within the EU.

The exercise of foreign policy by Europe is likely to remain a tug-of-war, with members pursuing their vital national interests where possible and Brussels pursuing further centralization where conflict arises. The competition between member states and the EU will create headaches for third parties outside of Europe, leaving them unsure of where to turn when they want to get things done. Catherine Ashton will stand as the 28th European foreign minister and make the formulation of foreign policy more complicated for Europe's allies.

There are two significant dangers for the future of the transatlantic alliance as a result of the Lisbon Treaty:

1. The EU will continue to make ever-bolder statements about Europe's strong regional position and send President Obama the message that the

EU is capable of filling America's leadership role on the Continent. With a lack of major military capacity to back its foreign-policy intent, Brussels will put Europe in a completely unsustainable position.

The EU's mutual defense and solidarity clauses, mimicking NATO's sacred Article V collective security guarantees, have already given the impression that the EU is ready to undertake some of NATO's roles and functions.⁵⁵ However, in the absence of American leadership, this is nothing more than an empty—and profoundly destabilizing—promise, threatening to undo 60 years of unprecedented transatlantic cooperation and stability.

Europe's strategic competitors, such as Russia, will continue to encourage the aggrandizement of EU power at NATO's expense, knowing that they have nothing to fear from the benign and weak leaders appointed by Brussels.⁵⁶ The construction of EU defense and security arrangements in the absence of genuine credibility and military capacity is a recipe for disaster and an invitation to provocation.

2. The EU will increasingly neglect the areas of foreign policymaking where it can genuinely contribute to regional stability, such as EU enlargement and its Neighborhood Policy. Similar in some ways to NATO's Membership Action Plans (MAPs), the European Neighborhood Policy (ENP) is a relatively new EU instrument designed to integrate its immediate neighbors into the European sphere of stability through concrete proposals on democracy, human rights, rule of law, good governance, and free markets.⁵⁷ Although EU membership is not always the goal of ENP participants, in the case of countries like Georgia, Ukraine, and Moldova, it stands as a distinct incentive.

54. Judy Dempsey, "NATO Falls Far Short of Helping Afghans," *The New York Times*, February 4, 2010, at <http://www.nytimes.com/2010/02/05/world/europe/05iht-nato.html> (March 11, 2010).

55. Lisbon Treaty, Mutual Defense Clause, Article 1, 49, p. 46; Solidarity Clause, new Title VII and new Article 188 R, p. 131.

56. Derek Scally, "German Minister Calls for Lisbon Treaty EU Army," *Irish Times*, February 8, 2010, at <http://www.irishtimes.com/newspaper/world/2010/0208/1224263954855.html> (March 11, 2010).

The EU must concentrate on working with its neighbors and using its visa, trade, and commercial policies to contribute to regional stability. However, the proposed reassignment of experienced foreign relations staff from the European Commission to the new EU diplomatic service potentially leaves new Enlargement Commissioner Stefan Fule without the requisite resources to realize the ENP's full potential.

The EU cannot afford to let a credibility gap emerge in addressing prospective members such as Macedonia and Ukraine. Further, if the new EU diplomatic staff is heavily dominated by former commission staff, the recently acceded members of the alliance will be heavily outweighed, since the vast majority of commission officials remain drawn from "old" Europe.⁵⁸

President Obama was right to take a pass on the meaningless EU–U.S. summit scheduled for May in Madrid. Although the Obama Administration supports the view that Europe should speak with one voice on foreign policy, there is a growing realization that the EU *cannot* speak with one voice. As U.S. Assistant Secretary of State Philip Gordon stated during a speech in Brussels in September 2009:

We want to see a strong and united Europe, speaking with one voice. In the best of all possible worlds, that one voice will be saying what we want to hear. If it is not saying what we want to hear, then we would rather that voice was less united. For the foreseeable future, we will have to have relations with the EU and with nations. You go to the place that can deliver.⁵⁹

Therefore, President Obama should continue to promote America's tried-and-tested bilateral relationships as the only practicable way to get things done.

What President Obama and Congress Should Do

American leadership in Europe will be enhanced through strong bilateral relationships and through revitalization of NATO; conversely, it will be undermined by the supranationalization of foreign and defense policy in the European Union. Therefore:

- **President Obama must declare, on the record, his support for the primacy of NATO and continue to anchor U.S. foreign policy in the transatlantic security alliance.** Both the Clinton and Bush Administrations stressed the primacy of NATO in Europe's security architecture as a cornerstone of U.S. foreign policy. The Obama Administration should continue to anchor the transatlantic alliance within NATO by stressing its primacy within NATO's 2010 Strategic Concept. The Administration should work with natural allies such as Britain and Poland both to oppose the centralization of security and defense policy within the European Union and to oppose the undermining of NATO as the foremost institution within which to discuss collective security and mutual defense.
- **Congress should hold further hearings to analyze the implications of the Lisbon Treaty for the transatlantic alliance, especially the implications for foreign policy and alliance-building.** The U.S. Congress—both the House and Senate—should seek expert analysis on the new defense and security provisions of the treaty. Congress and the Administration should continue to make the building of enduring bilateral alliances a top U.S. foreign policy priority by extending the visa waiver program, re-energizing public diplomacy instruments, and encouraging multinational defense projects with trusted allies such as the U.K.⁶⁰

57. "The Policy: What Is the European Neighbourhood Policy?" European Commission, December 12, 2009, at http://ec.europa.eu/world/enp/policy_en.htm (March 11, 2010).

58. Andrew Rettman, "New EU States Make Bid for More Diplomatic Clout," *EU Observer*, March 10, 2010, at <http://euobserver.com/9/29651> (March 11, 2010).

59. Nicholas Kravov, "E.U. No Longer Charmed by Obama," *The Washington Times*, February 5, 2010, at <http://www.washingtontimes.com/news/2010/feb/05/obama-loses-his-charm-with-eu/?page=2> (March 11, 2010).

- **The U.S. should not support the creation of a separate European army or EU defense identity.** President Obama should make clear that he does not support a second alliance competing for the limited military forces available in Europe. The Administration should state that it supports the Common Security and Defense Policy as a civilian component in Europe's security architecture only where and when it provides additional resources. The Administration and Congress should work with America's European allies within NATO's Allied Command Transformation (ACT) to determine future military capabilities to increase Europe's contribution to the mutual defense of the alliance. NATO members should also recommit to the alliance's benchmark of spending 2 percent of their GDP on their national defense.
- **Washington should engage with Brussels on issues where the EU can genuinely add value.** The Administration should work with Brussels on questions of Euro-Atlantic integration, such as Ukraine and Macedonia's accession to the EU, where the EU can play a regional leadership role. Washington should further engage European capitals on the question of NATO enlargement and build consensus within the alliance for further expansion, specifically to Macedonia, which has completed its Membership Action Plan and is ready for immediate accession. As part of NATO's 2010 Strategic Concept, Washington should reinvigorate NATO's Open Door policy, working with Brussels on a mutual enlargement agenda where possible.
- **Washington should make clear to the EU 3 + 3 that targeted and crippling sanctions on Iran are needed now and regardless of approval by the United Nations Security Council.** Iran's proclaimed right to develop nuclear technology for peaceful purposes should not be recognized by Washington or Brussels as long as Tehran fails to accept the standards of the international non-proliferation regime. The Administration should

request an end to all remaining European government-backed export credit guarantees to Iran and request that Europe restrict the export of sensitive technologies to Iran. The U.S. should work with Europe to draw up a list of painful sanctions against such key Iranian economic sectors as energy imports, domestic oil refinery capacity, and international banking. Washington should press European capitals to divest themselves of key investment ties to Tehran, especially in oil and natural gas industries. The EU and its members should bring sanctions against the Islamic Revolutionary Guards Corps and companies affiliated with it, as well as limiting diplomatic exchanges, which give the regime a veneer of respectability.

- **U.S. policymakers must learn from the EU's mistakes and protect U.S. sovereignty in order to preserve American leadership on the world stage.** Congress should hold hearings analyzing how the loss of sovereignty for EU member states has not translated into global influence, despite the fact that several treaties have ceded members' sovereignty to Brussels in the name of greater power projection. Congress should analyze the leadership, credibility, military capabilities, and dependability of the EU and how they relate to U.S. interests after the introduction of EU treaties, including Maastricht, Amsterdam, and Lisbon. Congress should extrapolate lessons for the U.S. as it seeks to negotiate future multilateral treaties, endeavoring to protect U.S. sovereignty.

Conclusion

The driving ethos behind the EU's foreign policy power-grab is the idea that the nations of Europe will be stronger collectively than they are separately, but sovereignty cannot be traded for influence. The EU lacks the ability to project power, whether regionally or globally, and as Mats Persson of Open Europe, an independent British think tank, has stated, "Europe needs to concentrate on delivering policies for the 21st century, rather than on being seen as a 'global power.'" The EU's consistent failure

60. James Jay Carafano and Sally McNamara, "Enduring Alliances Empower America's Long-War Strategy," Heritage Foundation *Backgrounder* No. 2042, June 15, 2007, at <http://www.heritage.org/research/nationalsecurity/bg2042.cfm>.

is an inability to recognise that it is the former that brings about the latter, and not the reverse.”⁶¹

The U.S. government should therefore pursue a policy under which its bilateral engagements with European nations are prioritized and engagement with the EU is limited purely to cases in which Brussels can add value to a specific policy area. The United States and Europe should engage on critical foreign policy issues, such as military planning and counterterrorism, both bilaterally and through NATO. The usurpation of power by Brussels jeop-

ardizes these types of engagements—and ultimately threatens the security of the United States.

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61. Mats Persson, “EU Shambles Over Barack Obama Visit Shows Failure of Lisbon Treaty,” *The Telegraph*, February 4, 2010, at <http://www.telegraph.co.uk/news/worldnews/northamerica/usa/barackobama/7155154/EU-shambles-over-Barack-Obama-visit-shows-failure-of-Lisbon-Treaty.html> (March 11, 2010).