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The Lisbon Treaty and Euro-Mediterranean Relations

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The Lisbon Treaty is first and foremost about EU foreign policy and as such it is bound to affect Euro-Mediterranean relations. However, the impact of Lisbon is not as straightforward as we might expect, as it not only impacts differently on different EU policies and policy instruments, but it is likely to have a different effect in the short term and long term. The main innovation is the creation of the European External Action Service (EEAS), which in the short term, however, has entailed a higher than usual degree of attention on EU internal processes. The creation of the EEAS is likely to deliver change, especially given the new relevance of actors based in third countries. But in the meantime the EU has not been particularly proactive in its EU foreign policies towards its southern neighbours (and other parts of the world as well) due to the internal processes that accompanied the creation of the EEAS.

The Impact of Lisbon: Negative in the Short Term, Hopefully Positive in the Long Term

The EU has an in-built tendency to be more focused on internal procedures and to devote more attention to developing policy-making processes than actually on the policy content itself. This characteristic, which already came to the fore in the 1970s, has continued to plague the EU foreign policy until today and it was particularly evident in 2010, when the time and energy of the key EU decision-making bodies centred on the debate about the EEAS. The three main priorities of the High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the European Commission (HRVP) Catherine Ashton have been "the EEAS, the EEAS, the EEAS." Moreover, the internal negotiations on the matter have absorbed the agenda of national representatives in the Council, of officials in the Council Secretariat and in the Commission, as well as of members of the European Parliament. This came as a stark change with previous times, when Solana, for example, devoted an increasing share of his time to addressing the Middle East and to talking to actors in the Middle East.[1]

The negative impact occurred not only in the energy that EU institutions devoted to an internal issue, but also in the widespread uncertainty that pervaded the system. As actors tried to assess who was meant to do what, it remained unclear where the momentum and the priorities were meant to come from. Moreover, there has been more room than usual for some member states to take national initiatives, which did not fully represent the median position within the EU.

1. Hylke Dijstra of Maastricht University has been working on Solana's agenda over his ten years in office.

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However, there is also room for some optimism beyond the short term perspective. Although much of the attention on the EEAS has been focused on the developments in Brussels, the reorganisation of delegations in third countries is going to bring some novelties. The new EU delegations are going to be important actors, as they will be responsible not only for implementing EU policies according to positions defined in Brussels and the operational budget (financial instruments) decided upon in Brussels, but they will also provide essential input for the decisions on policies and budget allocation. Delegations have exerted these functions so far only in relation to the Commission's competences, while the shift now is that the EU Delegation will be the predominant venue for all matters related to EU foreign policy, including programming documents (such as Heads of Missions' reports), démarches, etc.

This is relevant because the experience of cooperation among missions in third countries has been positive most of the time. Opinions and documents issued from cooperation in third countries have generally been less contentious and easier to agree upon than those negotiated in Brussels or, even worse, among capitals. This is probably explained by the fact that diplomats "go native" and thus would have a more similar view of what the situation on the ground is, whereas capitals are more aware of constraints in the domestic context. The rationalisation and strengthening of cooperation in third countries should thus contribute to a clearer input in the Brussels based process of foreign policy-making. In other words, the Lisbon Treaty is likely over time to shift the importance of the various EU institutions more in favour of actors on the ground than before, and this should contribute to a more unified EU position.

Similarly, in terms of the specific impact of the Treaty of Lisbon on the EU's two principal policies in the Mediterranean, the UfM and the ENP, there is clearly a short term versus long term perspective.

As for the UfM, the Treaty does not have any direct consequences for the policy per se. The entry into force of the Lisbon Treaty has, however, stimulated discussions in the EU which may in the longer term help to settle a few loose ends which have created confusion/inefficacies in relation to the EU's actions in the UfM since 2008.

The EU UfM co-presidency is one of them. According to the Marseilles Declaration (2008: 4), the EU co-presidency "must be compatible with the external representation of the European Union in accordance with the Treaty provisions in force." In other words, in 2008 this consisted of the rotating EU Presidency and the European Commission (under the Treaty of Nice) and, with the Lisbon Treaty, the EU co-presidency should consist of the troika composed by the President of the Council of the EU, the HRVP, and the rotating EU Presidency. These stipulations notwithstanding, what has transpired since the Paris and Marseilles Declarations is a sort of EU "co-co-presidency", with France acting as "senior" co-president, in lieu of, or together with, the rotating EU Presidency. This is a fact which has caused some controversy among EU member states for not adhering to Treaty provisions. However, this co-co-presidency practice could end with the next UfM Summit of Heads of State and Government, if and when held. Although no firm decision has yet been reached, there are indications that HRVP and the EEAS will nominally assume the "northern co-presidency" in 2010-2012 in the name of the troika. The

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HRVP will in turn choose a deputy to perform this function, probably subject to approval by the Council. This deputy is currently yet to be confirmed, but there are some suggestions to the effect that this task may fall upon Spain.

There are also some indications that the entry into force of the Treaty has prodded a debate which aims to determine whether the UfM is to be considered a purely intergovernmental initiative (as preferred by France) or whether it should follow the principles of the EU foreign policy (e.g., formal EU coordination prior to UfM meetings; something which other EU members would prefer). However, if this current intra-EU controversy is resolved in favour of the latter, this could potentially spawn a new set of troubles with the EU's UfM partners. The governance of the UfM is currently based on the spirit of co-ownership whereby all partners are treated as equals. Internal EU coordination would therefore clash with fundamental UfM principles and may require UfM reform in order to be acceptable to all. There are thus no easy short term solutions to this problem.

As for the ENP, the Treaty has added a few novelties which have a direct short (and long) term impact on Euro-Mediterranean relations. The most obvious being the provisions for the EEAS and the new DG Commission for Enlargement and ENP to work closer together, to achieve a better fit between the EU's political objectives and the deployment of its external relations instrument. The optimal harmonisation between the EU's political and economic instruments has indeed been an assignment which has eluded the EU's foreign policy in the past. The first post-Lisbon signs are, to this extent, encouraging as HRVP Catherine Ashton and the Enlargement and ENP Commissioner Stefan Füle have appeared publicly together on several occasions with fairly coordinated statements on the ENP. However, looking beyond the necessity for finding synergies between strategic policy shaping and financial assistance, perhaps the Treaty could have gone even further in demanding better cooperation between the EEAS and other DGs, such as DG Trade – perhaps the ENP's most important instrument – or others having a repercussion on the ENP such as DG Home Affairs (visa policy) or DG Energy. This inevitably invites a more sombre outlook for how the Treaty of Lisbon can make a decisive imprint on the ENP in the longer term. The Treaty also includes provisions for signing a new generation of association agreements with willing partner countries. However, so far, pending the current review of the ENP which will last until February 2011, it is not clear if and how these agreements will be put to use.

Will It Ever Deliver?

Several issues have now been resolved, even if others remain open-ended. Most importantly, the EEAS is nearly up and running. Ashton has increasingly learned how to deal with member states and how to bring the EU point of view to third countries. There have been some efforts to try to resolve the pending problems derived from the entry into force of the Lisbon Treaty.

However, many unanswered questions still remain: has it been worth the wait? Is this a long term investment? Will it lead to a "better" EU foreign policy for the Mediterranean or at least a "more easily agreed" one? Only time will eventually yield the answers to such outstanding queries.

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