

FOREIGN POLICY

Facilitating Ashton's Work: a Role for the Rotating Presidency

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From inward to outward-looking: Europe in an interdependent multipolar world

2010 was a year of re-orientation for the European Union (EU) in foreign policy terms, in three regards:

First, with the coming into force of the Lisbon Treaty, the EU High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, had mainly to deal with defining her new triple-hatted role and setting up her foreign policy machinery, the European External Action Service (EEAS), which led to bitter institutional turf wars in Brussels and national capitals.

Second, the EU had to recognise the changing international system in which emerging powers, especially in Asia and Latin America, want their say, which therefore re-started the debate on the EU's relations with strategic partners.

Third, the Euro-crisis demanded great efforts from the EU, which made it appear inward-looking; many commentators were of the opinion that if the eurozone falls apart, the EU will not have any foreign policy at all.

In that difficult context, the new post-Lisbon foreign policy apparatus took shape and all actors had to define their new or adapted roles. The European Council, which also gives strategic foreign policy guidelines, gained a permanent President, Herman Van Rompuy; the main decision-body for foreign policy, the Foreign Affairs Council, is now permanently chaired by the High Representative, Catherine Ashton; the European Parliament demonstrated that it is more willing than ever to use its clout also in foreign affairs, mainly via its budgetary powers and the right of assent to international agreements; and the European Commission successfully fought to maintain part of the power of the purse by still administering the money for most foreign policy instruments.

At first sight, the principal victim of the institutional struggle in foreign affairs seems to be the rotating presidency, which has lost most of its previous tasks in foreign affairs. But Belgium, the second of the national presidencies in 2010, successfully demonstrated the foreign policy role the rotating presidency can still play, facilitating Ashton and her team's work, especially in those formats where it is still legally competent. Belgium set an important precedent for the following presidencies in transferring all classical foreign policy powers to Ashton and her EEAS. This willingness to stand behind the EU institutions performing European foreign policy may not be as strong among other countries. However, if one looks at the foreign policy challenges for 2011-2012, an approach that clarifies at least part of the EU's leadership structures in foreign policy-making is very important: externally, natural disasters and global crises will continue to occur, and global and more and more interconnected challenges such as climate change, terrorism, cyber-crime, poverty and migration will persist. Internally, the EEAS will need to develop in practice; discussions about economic and financial governance issues will continue; the debate about the next multiannual financial framework, which includes the budget for external relations, will begin.

A diminished, but still important role for the rotating presidency in foreign affairs

Thus, in contrast to the superficial observation that the rotating Presidency has lost its relevance in foreign affairs, the present analysis of the concrete distribution of competences and practical working arrangements installed under the Lisbon system brings a more nuanced interpretation.

Indeed, since Ashton chairs the Foreign Affairs Council (FAC) and takes part in the European Council meetings (which is no longer the case for the foreign ministers), she defines the foreign policy agenda and drafts foreign policy texts for the European Council. Having EEAS representatives in most FAC working groups (all geographic ones, most horizontal ones and those of the Common Security and Defence Policy), Ashton and the EEAS define and control the very important preparatory work of the principal foreign policy decisions.

Still, the rotating presidency continues to chair the Permanent Representatives Committee (COREPER) in both its configurations (including the foreign policy-related one), the General Affairs Council (GAC), the FAC when it meets in trade or development configuration and some horizontal working groups¹, the working groups for trade and development and the COREPER

1. Working Party of Foreign Relations Counsellors (RELEX), Working Party on Terrorism (International Aspects) (COTER), Working Party on the application of specific measures to combat terrorism (COCOP), Working Party on Consular Affairs (COCON), Working Party on Public International Law (COJUR), and Working Party on the Law of the Sea (COMAR)

preparatory groups Antici, Mertens and Friends of the Presidency.² It thereby defines part of the foreign policy agenda and potentially has an overarching view, which links foreign affairs to other EU policies. Legally, if the European Council President is unable to perform his duties of office, the rotating presidency stands in for him. Finally, the rotating presidency presents and evaluates its priorities in front of the European Parliament and is thus an important interlocutor with the directly elected democratic body of the EU.

Some open questions are not yet clarified. These relate to the representation of the EU in international *fora*, especially in the areas of shared competences (for example, environment, agriculture, fisheries, etc.). The EU makes a poor impression if it does not decide who the lead-negotiator is and who speaks on behalf of the EU in international organisations or at Conventions – as has already happened in some cases, most problematically still in Geneva. Similarly, the question of who represents or deputises for Ashton at the European Parliament (EP) is not properly settled; Members of the EP demand political representatives instead of EEAS officials, whom they see as not accountable by the EP.

To sum up, the rotating presidency has a diminished and altered, but nevertheless important role in external relations. It is no longer responsible for traditional foreign affairs. Here, Ashton and her team set the agenda and can bring more continuity and consistency via their chairing of the FAC and the main preparatory working groups. However, the rotating presidency's role in the GAC is becoming more relevant. As Belgium demonstrated, the GAC can function as a body that ensures better preparation of and follow-up to the European Council (EC) meetings, thus putting the focus on the implementation of EC decisions. Furthermore, its work in the GAC enables it to help Ashton look for better cohesion across EU policy fields. Thus, Belgium was able to launch and close chapters in accession negotiations and sign trade deals with South Korea and Pakistan. As regards the EU's external representation at international conferences and Conventions (for example, in Nagoya on biodiversity and on climate in Cancun), Belgium found practical solutions in the form of team-representation by the Presidency and the Commission, with joint negotiation arrangements and joint seating behind the EU flag. In addition, there is sometimes an *ad hoc* role for the Presidency's Head of State or Government or its Foreign Minister. Thus, the Belgian Prime Minister Yves Leterme was the main negotiator with the EP in the budget deliberations and also the Belgian Foreign Minister, Steven Vanackere, briefed the EP on issues discussed in the FAC.

Overall, the role of the rotating presidency, but also of Ashton and the EEAS, in foreign affairs depends much on the ability to co-ordinate and find compromises with two other foreign policy actors: First, the other Member States, since most of the decisions in foreign affairs

2. The Antici Group is the preparatory Group for Coreper II, the Mertens Group is the preparatory Group for Coreper I, and the Friends of the Presidency Group is an *ad hoc* body which the Presidency can activate to deal with a specific, often complicated issue, for example by studying its multidisciplinary aspects

are adopted by unanimity; and second, the European Commission – whose Vice-President is Ashton – due to its powerful role in non-CFSP / CSDP related issues.

Recommendations

In its limited but important role, the rotating presidency should support Ashton in making the EEAS operational so that it brings added-value to the EU's external relations. More concretely, it should, in close cooperation with Ashton, push for more integrated and innovative policy proposals, going beyond traditional foreign policy by also tackling cross-cutting energy, migration and climate issues and bridging security, development and trade concerns: it's all about teamwork!

The Presidency should support Ashton and the EEAS in their role to:

Think strategically and discover inconsistencies in EU external policy. The Presidency should use its Chairs of COREPER, other Council formations and their preparatory working groups to help discover inconsistencies between the different EU external policies, including the external dimensions of internal policies such as terrorism, migration, asylum, climate change and energy. A special role for the Presidency will lie in the (preparation of the) *negotiations on the next multiannual financial framework (2014-2020)*, which will define the importance of external action also with regard to other EU policies. An important discussion here will concern the interpretation of “budget neutrality” with regard to the EEAS. More strategically, the discussion about the EU's long-term financial orientations should go hand in hand with a definition of the EU's strategic priorities (for example, a conceptual change from development aid to strategic partnerships also with developing countries, priorities in the neighbourhood and the BRICS, proofing of development aid against climate change, etc.) resulting also in a re-definition of the EU's financial instruments.

Provide a bridge between the national and the European level. In pursuit of the goal of *interchangeability* between national and European administrations, the Presidency should facilitate the smooth exchange of its national diplomats and experts with the EEAS. In third countries and international *fora*, it should encourage good co-operation between its embassies and the EU delegation, thereby further strengthening the latter's coordination role. Cooperation on the ground will be a litmus test for the EEAS. Domestically, the presiding government should also hold a serious domestic discussion about possible cuts in national diplomatic services, which in the long term could be implemented by the EEAS (consular services and also reporting on political and economic developments in third countries, for example). It should encourage cooperation between national and European diplomatic services, which bring added-value compared to the status quo. The Presidency country should thereby contribute to building trust also with regard to informa-

tion-sharing and better coordination between the Foreign Ministry and the Head of State or Government.

Coordinate and facilitate the smooth running of the other institutions. The output of the post-Lisbon foreign policy system will, even more than before, depend on the cooperation of the different European institutions. In that regard, the Presidency should assist Ashton and the EEAS to establish effective coordination mechanisms with the European Council, the Commission and the European Parliament, which enables Ashton and her team to act as interlocutors between them. Teamwork requires a leader.

Find practical solutions to open questions. The rotating presidency should actively help to *clarify* the issue of the EU's external representation in international *fora* and Conventions. It should encourage an inter-institutional arrangement about shared competences and offer practical solutions that guarantee at least a strong and common message. In the end, it should convince the Member States to let the EEAS work in their name and to stop acting as additional players themselves.

To sum up, the rotating presidency (also through its Prime Minister / President and Foreign Minister) could demonstrate ownership and offer its services to Ashton and the EEAS in a number of ways: *strategically* (for example, by providing expertise on certain policy or regional issues; encouraging innovative European foreign policy proposals, which show the added-value of the service and joint staff training; monitoring the implementation of the EEAS, with its first review expected in 2012); *operationally* (for example, by proposing to deputise for Ashton in the European Parliament – although not as a rule and depending on the policy issue, which might be better presented by another foreign minister on behalf of the EEAS – or at international conferences, as the then French Foreign Minister Bernard Kouchner did at the Haiti conference in 2010); *and with the necessary resources* (for example, by sending skilled diplomats to the EEAS, deploying national experts in European crisis management missions and offering national military equipment, as well as expertise and networks).

If the Presidency has the political will to perform this important supporting role both at European and national level, it can make a difference in the making of a genuinely European foreign policy.