Commentary

The Lisbon Treaty and ESDP: Prodi and Howorth Compared

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Abstract

The Lisbon Treaty, as it was first negotiated, is dead and the institutional stalemate has the potential to kill the entire integration process. European Security and Defence Policy (ESDP) needs effective institutions, shared rules and clear priorities: to this end both Professor Romano Prodi and Professor Jolyon Howorth think that some reforms are necessary, among others: the introduction of an 'exit clause' and the rationalization of the decision making process, with the abolition of the unanimity rule. As regards ESDP and the future of Europe as a reliable and effective player in world politics, Prodi and Howorth believe that the EU is heading in the right direction: more capabilities, more resources, clearer objectives and stronger alliances; this is the recipe that they suggest to increase the quality of the action of the European Union at the international level. Notwithstanding, Prodi and Howorth are well aware that institutions matter but political will matters more. In the field of security and defence the EU lacks political consensus, and this is going to limit the ambitions and aspirations of some important European states.

Keywords

ESDP; Lisbon Treaty, Jolyon Howorth; Romano Prodi.

THE PURPOSE OF THIS COMMENTARY IS TO DISCUSS THE FUTURE OF THE EUROPEAN Security and Defence Policy (ESDP) and, to certain extent, the future of Europe as a whole, with reference to two interviews. The first of these interviews is with Professor Jolyon Howorth, one of the most authoritative experts on the ESDP and the second is with Professor Romano Prodi, former President of the European Commission at the time when ESDP was launched, and former Italian Prime Minister.

The commentary compares their (sometimes) contrasting opinions in the light of political and institutional changes. It suggests that ESDP is becoming stronger, both politically and militarily and that in the mid-term the European Union will become a full global player owing to the rationalization of the institutions involved in ESDP through the Lisbon Treaty,

I would like to thank Professor Jolyon Howorth, Visiting Professor of Political Science at Yale University, USA and Jean Monnet Professor of European Politics at Bath University, UK; Professor Romano Prodi, former President of the EU Commission and former Italian Prime Minister. A special thank, for his advice and support, to Professor Sergio Fabbrini, Director of the School of International Studies, Trento University and supervisor of my Master's thesis entitled "European Security and Defence Policy: Beyond Civilian Power?".

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the improvements in capability and deployment of resources and forces, and improvements in research and technology through the European Defence Agency (EDA). During recent years the member states set out milestones to be reached by 2010, including the establishment by 2004 of both the EDA and the Civil-Military Planning Cell (CMPC); the implementation of an EU strategic lift command by 2005; the ability by 2007 to deploy force packages at high readiness broadly based on EU battle-groups; the availability of an EU aircraft carrier and associated air wing and escort by 2008; and appropriate compatibility and network linkage of all communications equipment and assets by 2010. Furthermore, the EU's 'Headline Goal 2010', by focusing on small, rapidly deployable units capable of high-intensity warfare, successfully shifted the objective from quantity to quality.

Notwithstanding, some important issues remain on the agenda. These include (1) the fact that the major EU powers are still divided, though less than in the past, on the very role of ESDP in particular, and (2) of Europe as a full player in the international system in general. The relationship between EU-NATO and the US is particularly thorny and the Georgian crisis suggests a revision of NATO's structure and role is required. This is probably true also for EU-US relations: though some commentators and political leaders have seen the birth of ESDP as a good way for Europe to gain autonomy and independence from the US, but yet that cooperation is better than competition, particularly in a world where political, economic, financial and social problems are increasingly interrelated. The EU - through ESDP - and the US, should rethink the basis of their collaboration in order to better address the challenges of the 21st Century.

As regards the foreign, security and defence profile of the European Union, some scholars argue that the EU is moving away from a simplistic civilian or normative power model, and it is acquiring some features of "hard politics"; others argue the opposite. Theoretical debates are important, but probably these kind of disputes are - to certain extent - old-fashioned. "There is plenty of literature on this topic, but the debate on the profile of the EU in foreign and security affairs is a silly debate", states Prof. Howorth.[1] "The question," he argued, "is another one: what does military means mean?"; he went on to state that "prioritising crisis management rather than war fighting is a necessity, and it is also certainly comfortable with the kind of 'security culture' that is emerging in Europe". This is surely true: with the Georgian crisis, Russia is returning as a major power. "We are entering a new phase that I labelled 'Third New World Order' – argued Howorth – in which there is a stronger need for Europe". The structure of the international system has changed a lot in the last few decades, and probably will continue to evolve at a similar speed in the near future. This means that it is not particularly worthwhile for the EU to spend much time thinking about theoretical models for its foreign and security action. On the contrary, what is really important is to identify some key priorities. To this end the revision of the European Security Strategy (2009) should prove to be a good instrument for consensus building among the member states on a series of well-defined and shared political objectives. It is better to focus on a few priorities rather than wasting time and resources on grand plans of foreign policy that in the end, have little chance of success.

According to Howorth, "all the missions in which the European Union is involved have military and civilian components and Javier Solana is on the right path when he refuses to distinguish between them". The idea is that the EU wants to go beyond these old frameworks, in order to create and implement a new model of external action, based on the assumption that current international crises are more complex than those addressed a

[1] All direct quotes from Professor Jolyon Howorth are taken from an interview conducted on Wednesday 13 August 2008 in Paris. Anyone interested in reading the full interview with Professor Howorth can contact the author: matteopallaver@alice.it

decade ago. These new types of situations require a different approach, based certainly on military force, but also on civilian aspects. "I know," Howorth stated, "that some EU states, and France in particular, want to go beyond this model; for instance, I know that France would like the EU to develop the capacity to engage in expeditionary warfare if necessary, but at the moment it is really difficult to imagine the EU collectively agreeing on such foreign and security objectives". Professor Howorth believes that ESDP is heading in the right direction, because since 1998 the EU has considerably increased its capacity to act as a reliable player, both at the political and at the military level. The EU's 'capability gap' today is narrower compared with the level of capabilities and resources of some major international partners. Nonetheless, some key problems remain high on the agenda. These include, for example, the EU Headquarters and the idea of creating a sort of common defence budget. Another crucial problem is related to the new institutional framework agreed in the Lisbon Treaty, and that requires a good deal of innovation in the field of CFSP and ESDP. The most important innovations are: (1) the end of the rotational presidency in foreign relations, with some kind of role for the President of the European Council (appointed for two and half years, renewable once); (2) the creation of the 'double-hatted' High Representative, also appointed by the European Council (with the agreement of the President of the Commission) acting, if necessary, by qualified majority voting (QMV), and also subject to a vote of consent by the European Parliament; (3) the establishment of the new Foreign Affairs Council, separate from the General Affairs Council; (4) the establishment of the European External Action Service (EEAS); (5) the expansion of the scope of ESDP, now called Common Security and Defence Policy (CSDP), and of its missions,[2] including a 'solidarity clause' and a 'mutual defence' commitment, both with substantial qualifications and provisions and the possibility for the Council to "entrust the implementation of a task to a group of members states which are willing and have the necessary capabilities".[3]

According to Howorth, "institutions matter, but political will matters more". With reference to this formula Howorth described the stalemate in which the European integration process, and consequently also ESDP, finds itself since the failed ratification of the Constitutional Treaty following the French and Dutch referendums in May and June 2005 and the subsequent failure of the revised Lisbon Treaty to achieve ratification in Ireland following the referendum there in June 2008. In reference to this, Howorth stated very firmly that "even the Lisbon Treaty is dead"; the "Irish no" was a cold shower and a big paradox: one of the countries that has gained most, economically and politically, from integration, has now stopped the entire process. It is a paradox, because it reveals all the limits of "intuitional engineering", the fruit of costly and time consuming compromises at the level of member states.

Romano Prodi shares this view.[4] He argued that the Lisbon Treaty is dead because the problem of the European Union is not simply to agree on a platform of new institutions, agencies, procedures, but rather to agree on a series of mid and long-term objectives. According to him, the problem is to change the rules and norms on which the process is based: abandoning unanimity and adopting a sort of "exit clause". "In my opinion – Prodi stated – the member states should agree at least on two basic reforms: the first issue is that, up to now, the decision making process has been too greatly constrained by veto powers. Moreover, too many subjects and competencies of the EU, including the Common Foreign and Security Policy and the European Security and Defence Policy, are subject to the unanimity rule. This is no longer acceptable because the unanimity rule is going to kill

[2] See articles 27 and 28, Lisbon Treaty
[3] See article 29 on the Permanent Structured Cooperation mechanism, Lisbon Treaty; see also, The Treaty of Lisbon: Implementing the Institutional Innovations, November 2007, Joint Study EPC, EGMONT, CEPS
[4] All direct quotes by Prof. Romano Prodi are taken from an interview conducted on Tuesday 9 September 2008.

the entire integration process". This is particularly true in the field of Foreign and Security affairs, in which the sovereignty of the member states is under constant pressure and for which there is an increasing need for the EU to speak with a single voice in world affairs. The credibility of an actor, at the international level, relies on the capacity that this actor shows to respond quickly and effectively to international crises. "Legally," argued Howorth, "the Lisbon Treaty is dead because in order to enter into force, it should be signed and ratified by all the 27 member states". The reasoning then went on: "there is nothing to stop the other 26 member states, getting ahead and signing a new treaty".[5] But the problem, according to Howorth, is another: "I am concerned because the problem is not a legal, but political. It is a problem of political vision, of political direction. Members states no longer share a strong 'European vision', and this is particularly true in the field of foreign, security and defence affairs, where there is increasingly an attitude in some countries to think in terms of 'national interests'".

Romano Prodi expresses this idea more strongly: "It is useless for the 27 member states to begin another bargaining round for a new Treaty; after two failures (The Constitutional Treaty and the Lisbon Treaty) they are still unable or unwilling to recognize that the problems are the basic principles behind the negotiations. Unless and until unanimity is reduced to a minimum level and an 'exit clause' is introduced, the stalemate will persist", with heavy political consequences, both at the domestic level in terms of legitimacy, and at the international level in terms of effectiveness and credibility.

Prodi's two proposals are not new; unanimity is simply a political compromise to have some reluctant and non-integrationists states on board. If it was necessary for the founding six states in the first stages of the integration process, then for an EU of 27 members it becomes a serious problem that urgently needs to be addressed. The introduction of an 'exit clause' could be a solution to show the door to states that capriciously impede further or deeper integration, or stop the institutional reform process. The 'exit clause' is an instrument at the disposal of those willing to go ahead without fuss or veto powers. It is evident that this idea needs to be better developed, in order to avoid further problems; in particular some key elements needs to be clarified: which bodies will be responsible for the implementation of this 'exit close' procedure? A coalition of member states or the EU Commission, in accordance with the EU Council? What role, if any, should there be for the EU Parliament? What will be the majority of votes necessary to expel a state? In an 'exit clause' procedure, will the rule be qualified majority or unanimity? And, most importantly, what will be the degree of "gravity" of an action in order to begin this procedure? Notwithstanding, both Howorth and Prodi are convinced that EU institutions will never work well unless these questions are resolved.

The failure of the Lisbon Treaty also has important repercussions for ESDP; not only at the institutional level – we have already mentioned above the key institutional innovations of the Treaty – but also at the level of political cooperation in the realm of security and defence among member states. For example, the mechanism of the Permanent Structured Cooperation could have been an important instrument for deeper cooperation in this policy area. The idea of Permanent Structured Cooperation is close to the mechanism adopted at the time of the European Monetary Union (EMU). The idea is similar to enhanced cooperation, in that it would be set up by a Council decision which would identify the participating member states. It would be reserved to willing member states which fulfilled the criteria and have made the commitments on military capabilities predefined in a protocol in that regard. Its creation, by a qualified majority vote, was likely

[5] The government of the Republic of Ireland undertook negotiations with other EU member states during 2009 with the aim of securing a range of guarantees to its sovereignty. This would allow Ireland to undertake a second referendum on the Lisbon Treaty during autumn 2009. If successful this would allow the treaty to enter into force.

to occur as soon as the Lisbon Treaty entered into force.[6] Even on this point opinions diverge. Prof. Howorth, for instance, is not so convinced of the advantages of this mechanism: "I am not sure that the EU necessarily needs the innovation of the Permanent Structured Cooperation in order to persuade some states to take ESDP more seriously", he then went on stating that "the EU can use this mechanism even without the Lisbon Treaty, because there is no limit, upper or lower, to permanent structured cooperation; the idea is to encourage certain countries to contribute more rationally, more constructively to the overall potential of ESDP". Howorth argued that "any means which help to persuade even the reluctant member states to see a way in which they can play a role in ESDP is welcome and good".

Romano Prodi explained that when he was President of the EU Commission, he supported and encouraged collaboration among states to innovate in the field of defence and security: "partial cooperation is important, especially in the area of ESDP, in which it is much more difficult to reach a consensus at the level of 27 member states. In this sense the mechanism of structured cooperation is good. But, it is good only if its membership is open". The concern here is that, permanent structured cooperation, or what Prodi calls "partial cooperation" is not used by certain member states as a means to exclude others. "Partial cooperation, in whatever policy field, should be open to new membership; it should be used as a way to foster consensus, to implement initiatives, to increase membership". In sum "it should not be a political alliance of some states, maybe the most powerful, against others".

This concept is important, particularly in the light of some proposals on ESDP that were at the top of the French government's political agenda during the French EU Presidency in 2008. This includes among others the 'Big-6' project, which saw French President Sarkozy introduced the notion of a *Directoire* in ESDP between France, the UK, Germany, Italy, Spain and Poland. The idea is about a sort of "mutualisation" of forces between these countries, each contributing 10,000 men to a 60,000 strong strategic force, which will act as a "pioneer group".7 It is quite clear that this proposal is potentially divisive and, at the same time, potentially important for ESDP to increase its capacity to act autonomously and for the EU to define its foreign and defence profile, based on a strong agreement between key member states.

The evidence suggests that the future of ESDP and of the EU as a global player in world politics will be shaped by a series of factors, ranging from EU domestic institutional reforms to the changes in the international scenario. Surely, the most important challenge for the future of ESDP lies at the political level. And here come the problems. Member states, while agreeing on a platform of minor issues, are divided on the very strategic objectives the EU should pursue. Although a consensus is emerging between France, Germany and the UK on the need to increase the capabilities and the resources to effectively fulfil peacekeeping and crisis-management type missions, those same states – France and the UK in particular – are, at the same time, "profoundly" divided at the strategic level. The division is about the role of the EU and the relationship both with NATO and the US. Whereas France thinks in terms of 'autonomy' and 'independence', though with a reasonable degree of cooperation, the UK is more 'prudent', if not 'reluctant' to engage in this adventure. This difference of vision in not a nuance, because as Howorth stated very firmly "the UK is indispensable", or put another way "in order to develop a successful, coherent and effective ESDP, Britain should be on board".

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[6] On this topic see, *The Treaty of Lisbon: Implementing the Institutional Innovations*, November 2007, Joint Study EPC, EGMONT, CEPS

[7] See, *The Future of the European Security Strategy: Towards a White Book on European Defence*, March 2008, Policy Department External Policies, European Parliament, Brussels

Howorth thinks that the EU can generate a strategic and political culture, and that ESDP is on the right path. "ESDP is what ESDP does!": this is the formula that he used to describe the process. And what ESDP 'does' are the missions in which it is involved. Howorth argued that "the divisions are not so profound and that ESDP will surely have a future, also because most of the defence and security related articles of the Lisbon Treaty, can be implemented and enforced in other ways". This means, again, that institutions and treaties matter but, as already mentioned, political will matters more, even though, sooner rather than later, the EU should resolve its embarrassing and dangerous institutional impasse. Romano Prodi also shares this view: "it is really of paramount importance for the EU to increase its capacity to act as an international actor. This means that more resources should be devoted to military capabilities, research, technology, training, logistics". At the same time he acknowledges that "I am aware that in the short and mid-term we should not expect the EU to become a fully fledged player". Moreover, "it will require years since the EU will be perceived as an actor able to deal with the most demanding tasks of world politics".

At the end of this brief commentary we can conclude that both Howorth and Prodi hope that in the near future the EU will be able to share its part of responsibility in dealing with the new crises of the 21st Century: the unresolved question of international terrorism, the ongoing war in the Middle East, civil and ethnic conflicts in Africa, the relationships with Russia and Asia. Both are convinced that member states should resolve the institutional stalemate that, at present, is paralyzing the entire process of integration. Prodi, in particular, proposes his recipe: less unanimity and more coherence, with the support of a mechanism to penalise free-riders. Both are confident that ESDP will become stronger in the near future, and that it will also contribute to foster the relations between certain member states.

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