

**Testimony of
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**The Lisbon Treaty: Implications for Future Relations Between the European Union
and the United States**

**Subcommittee on Europe
Committee on Foreign Affairs
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Mr. Chairman, I wish to begin by thanking you for the opportunity to testify before the Subcommittee on the implications for future transatlantic relations of the European Union's Lisbon Treaty.¹ It is a distinct pleasure for me to participate with you and the other distinguished Members of this Subcommittee in today's discussion of the relationship between the United States and the European Union (EU) going forward. I would like to request that my statement be included in the record.

The New Treaty

The European Union has arrived. After years of treaty revision, following decades of institutional restructuring, the Treaty of Lisbon entered into force on December 1, 2009.² At its core, the Lisbon Treaty seeks to improve how an EU consisting of 27 member states functions. The European Union, with its 500 million citizens, now replaces and succeeds the European Community.

This long-awaited change even touched our capital city in a concrete, if small, way. The Delegation of the European Commission to the United States became the Delegation of the European Union to the United States. Mr. Chairman, your predecessor on this subcommittee, Congressman Wexler, helped unveil that new name plate.

Beyond the glint of a new plaque, what does the end of this long focus on the EU's internal organization mean for Washington? The hope in the United States is that the European Union will now look beyond Europe and capitalize on its more effective, efficient decision-making structures and institutional set-up to help the United States meet the many global challenges confronting countries on both sides of the Atlantic.

The New Leadership

Of the many changes brought about by the Lisbon Treaty, the news that has captured headlines has been the creation of two new leadership positions: President of the

European Council, and High Representative for Foreign Affairs and Security Policy. The speculation was intense as to which politicians might be in the running or leading in the race for these slots. Jose Manuel Barroso, the recently re-elected President of the European Commission, presented Swedish Prime Minister Reinfeldt, in his role heading Sweden's EU Presidency, with the humorous gift of a Rubik's cube to congratulate him on having solved the puzzle of how to win consensus among the 27 heads of state on the new EU appointees. That puzzle consisted of finding just the right mix among political groupings, member state geography and size, and gender.

The European Council will now benefit from a full-time President. Former Belgian Prime Minister Herman Van Rompuy was elected by the member states to the post for a term of two and a half years, which may be renewed once. This position replaces the rotating Presidency, which saw a different member state chair the European Council every six months. Under the old system, each member reveled in having a spell at the EU's helm, but the rotation was disruptive, causing a lack of continuity of priorities and purpose. According to the treaty, Mr. Van Rompuy's primary responsibility will be to "chair" and "drive forward" the work of the European Council and work to "facilitate cohesion and consensus within the European Council." He will also represent EU leaders on the global stage.

The second new position is the High Representative of the Union for Foreign Affairs and Security Policy. Baroness Catherine Ashton was appointed by the European Council for this post, with the agreement of the President of the Commission. She will receive the consent of the European Parliament when it meets in January to vote on the entire Commission. She has served for the past year as EU Trade Commissioner and proved herself to be a fast learner and skilled negotiator. Her five-year term of office coincides with that of the Commission. Her new role combines three existing functions. First, she will serve as the Council's representative for the Common Foreign and Security Policy (CFSP); this was the position previously held by former NATO Secretary General Javier Solana. Second, she will serve as Commissioner for External Relations, the position previously held by former Austrian Foreign Minister Benita Ferrero-Waldner. Third, she will be President of the Foreign Affairs Council, the function previously exercised by the foreign minister of the country holding the six-monthly rotating Presidency of the EU. For example, at present, this role is played by Swedish Foreign Minister Bildt in the context of Sweden's EU Presidency. By combining these three roles, Baroness Ashton should be in a strong position to conduct the Union's foreign policy and provide the EU with greater influence in world politics.

Baroness Ashton will be supported in her work by a new European External Action Service (EEAS). This Service will be comprised of officials from the Council, the Commission, and staff seconded from the diplomatic services of the member states. The EEAS could prove highly significant for crafting a common foreign policy thanks, in no small measure, to the seconding of national diplomats. If national diplomats are in the field with their EU counterparts and they work together to form analyses, the likely result of this collaboration is consensus about necessary policy initiatives. It will take some time to set up this new EEAS; in the meantime, Baroness Ashton will benefit from the

existing global network of 130 EU delegations on all continents run by over 5,000 staff. These existing delegations will operate under the authority of the High Representative and will become a part of the EEAS structure.

As the EU organizes itself anew, the United States needs to figure out what this means for our interaction with the Union. In conceiving the new position of President of the European Council, former French President Giscard d'Estaing spoke about this key position as Europe finding its own George Washington.³ History will judge whether Mr. Van Rompuy turns out to be the George Washington of Europe, but, at first blush, it does not appear that this is what the 27 leaders of EU member states were looking for. Rather it seems that Mr. Van Rompuy was chosen for his consensus-building skills – well-demonstrated during his year as Belgian prime minister – and thus the expectation that he would be a skilled chairman of the European Council. He will bring continuity to a position that has traditionally changed hands every six months. And he will try to bring consistency to the message broadcast by a European Council seeking to unify the views of 27 different member states. Whereas the rotating presidency led to priorities shifting each half year, Mr. Van Rompuy can ensure that one set of priorities remains the focus for at least two-and-a-half years and likely five years, assuming he is re-elected. The critical measure of his success will be whether he is able to forge consensus without simply accepting the lowest common denominator.

President Obama will play a key role in deciding how he will interact with Mr. Van Rompuy. No doubt the bilateral relationships President Obama has, in particular, with the leaders of the larger member states, with Sarkozy, Merkel, and Brown, will not be eclipsed by Van Rompuy, but if the United States sees a more streamlined EU as being in our interest, President Obama should invest political capital in bolstering Mr. Van Rompuy from this side of the Atlantic.

Baroness Ashton will be central to strengthening the consistency and unity of the EU's role in the world. Unlike Mr. Van Rompuy, she will have substantial resources at her disposal given that she will be in charge of the EU's external relations budget. That said, she can still act only if there is unanimous agreement among all the member states. Forging a close relationship to Secretary of State Clinton would enhance the heft she carries within EU chambers. As Baroness Ashton strives to pull together the many strands of EU foreign policy⁴ – from crisis response to development – she may well find that she has a great deal in common with Secretary Clinton, who is working on the first-ever Quadrennial Diplomacy and Development Review. One can imagine Baroness Ashton immediately subscribing to the goal Secretary Clinton set out for that review of guiding “us to agile, responsive, and effective institutions of diplomacy and development.”⁵

One last, if obvious, point needs to be made about Catherine Ashton. She is British. It is not by chance that the person chosen for the High Representative hails from one of the so-called “Big Three” member states. Thanks to her nationality alone, she is seen as bringing a global perspective to this new position – another attribute that will enhance her appeal to Secretary Clinton.

The New Legislative Powers

A final and critical piece of the Lisbon Treaty worthy of being highlighted to this Subcommittee is the changes it brings for the role of legislatures. The European Parliament is the only EU institution whose power has consistently increased with each treaty revision. All member states see the Parliament as the principal means to ensure greater democratic legitimacy for the Union. The Lisbon Treaty expands the role of the European Parliament by increasing the use of the co-decision procedure in policy-making to ensure that the Parliament is on an equal footing with the Council on most legislation. This procedure has been extended to about forty areas, including justice and home affairs, agriculture, immigration, and energy security. That said, there continue to be fields – from tax policy to social security, from foreign and defense policy to operational police cooperation – that still require unanimity in the Council. Going forward, Parliament will also decide on the entire EU budget with the Council.

The Treaty also creates a new role for national parliaments, giving them eight weeks to examine draft European legislation. The treaty sets out provisions that provide national parliaments with the right to then challenge a piece of European legislation if they consider it unnecessary. These provisions are intended to buttress the principle of “subsidiarity,” meaning that the EU should legislate only when action cannot be taken more effectively at the national level.

This reality of increasing powers for both the European Parliament and national parliaments suggests that the time is auspicious for the U.S. Congress to reevaluate the mechanisms through which it engages its counterparts in Europe. The Transatlantic Legislators Dialogue (TLD) is the main forum for U.S. Members of the House of Representatives and Members of the European Parliament to interact, including through biannual meetings. There is a separate web of bilateral exchanges between U.S. Members and Members of national parliaments across Europe (for example, in the case of Germany, the Congressional Study Group on Germany or the German Marshall Fund’s Congress-Bundestag Exchange). One idea might be to expand the TLD to include European legislators from the national parliaments to discuss specific topics of mutual concern and relevance from agricultural subsidies to homeland security. Time is at a premium for every lawmaker and thus rather than call for a proliferation of new meetings and exchanges, the aim should be to target a limited number of legislators for each discrete substantive topic. If each parliamentarian has the opportunity to engage in a policy dialogue directly relevant to that individual’s legislative priorities and learn how counterparts are addressing similar problems and what they have found works or does not work, s/he will likely view these meetings as “need to do,” rather than “nice to do.”

A New Transatlantic Relationship?

The European Union and the United States are bound by deep economic, political, and cultural ties. The EU’s 27 member states include our largest trading partners and closest allies. The Obama Administration, like its predecessors, looks forward to an EU that will

play a larger role on the global stage.⁶ The Lisbon Treaty offers the European Union the promise of a political role in the world commensurate with its economic weight. The jury remains out as to whether that role is something the member states desire. Lisbon may lay the framework that provides the EU with the capacity to act, but that of course does not guarantee the willingness to act.

It is critical to remember that the European Union remains an intergovernmental undertaking. The powers of the EU can only grow to the extent that the member states surrender more and more of their national sovereignty to this unprecedented multinational enterprise. Today, foreign policy still remains firmly in the hands of national leaders. Some observers have complained that Mr. van Rompuy and Baroness Ashton are not political “rock stars.” *The Economist* went so far as to refer to them as “two mediocre mice.”⁷ But, honestly, these critics are missing the fundamental point. Washington, and for that matter the world, will listen to Mr. Van Rompuy and Baroness Ashton if they genuinely speak for a united European Union. Angela Merkel, Germany’s Chancellor, commands attention and respect not because of who she is, but because of the powerful country she represents. The Lisbon Treaty may solve the structural problems in providing the infrastructure to make possible a coherent voice for the EU, but only the member states can muster the requisite political will. To take just one example, will France and the United Kingdom be willing to give up their national seats on the United Nations Security Council some day in favor of an EU seat?

British Foreign Secretary David Miliband laid out in impressively frank terms the choice or perhaps the tension between strong national foreign policies and a strong EU foreign policy: “So the choice for Europe is simple. Get our act together and make the EU a leader on the world stage; or become spectators in a G2 world shaped by the US and China. But I think that the choice for the UK is also simply stated: we can lead a strong European foreign policy or – lost in hubris, nostalgia or xenophobia – watch our influence in the world wane.”⁸ This is the choice facing each EU member state.

As one would expect, the United Kingdom, France and Germany are the key drivers of foreign policy at the EU level. One of the more successful common policies has been the so-called “EU-3” effort on Iran. Interestingly, it was the big three member states that began this negotiating initiative with Iran and then invited Javier Solana, in his then-role as EU High Representative, to spearhead the effort going forward. In this way, the “big three” were able to unite an EU of 27 around a common approach to try to dissuade Iran from developing a nuclear weapon. In time, the United States also came to back the initiative. The general verdict at present seems to be that the initiative was highly successful in aligning transatlantic policy on Iran, even though the policy has thus far failed to change Iranian behavior.

The United States is facing serious challenges on many fronts. The Obama Administration may well not be picky about whether effective partnership with Europe comes through bilateral, NATO or EU channels, as long as it is forthcoming. That said, if the EU can prove itself to be an effective mechanism for catalyzing substantial European contributions to global challenges facing the transatlantic community – simply

put, if the EU can deliver – it would instantly become the preferred partner for Washington.

Two Final, Modest Suggestions

If a stronger EU partner is appealing to the Obama Administration, how can it encourage that development? Let me make two concrete suggestions.

First, in the opening months of 2010, President Obama could make a visit to Brussels and engage the European Union and embrace its post-Lisbon architecture. Such a visit could be a fitting bookend to the trip that then-President Bush made to Brussels in February 2005. He met with representatives of the Parliament, Council, and Commission to express U.S. support for the development of the EU into a more effective strategic actor on what most believed, wrongly it would turn out, was the eve of the European Constitution being approved. Given the continued phenomenal popularity of Barack Obama across Europe, even a short stop in Brussels would be a powerful sign of both U.S. support and also of heightened expectations on this side of the Atlantic.

Second, the Obama Administration could engage in a full court press to encourage a substantial EU civilian surge in Afghanistan.⁹ Ideally, the EU could announce this stepped-up commitment at the international conference on Afghanistan that London will host on January 28, 2010. British Prime Minister Brown and German Chancellor Merkel, together with French President Sarkozy, pushed for the conference as a place to discuss plans for handing control of Afghanistan back to local authorities over time, as Afghan capabilities are strengthened. A key deliverable at the conference will be the concrete measures the international community will pledge to support Afghanistan in this decisive phase. This conference would be an ideal venue for the EU to step up to the plate and redouble its efforts. It would be a fitting way to mark, with action, the enhanced foreign policy role the Lisbon Treaty outlines with words.

The European Union has been, by almost any measure, a huge success. Two key elements of a state's sovereignty are money and troops. The EU has already succeeded in creating a common currency, the Euro, while it may seem light years away from establishing a European army. None of us can know today where this remarkable experiment will end. The EU is unique and our powers of prediction are limited, especially for an entity without precedent. What we do know is that, as revolutionary as many of the EU's accomplishments may seem, the process of European integration is, in fact, an evolutionary one. The European Union will continue to grow and change, sometimes gradually and sometimes in spurts, over time. We Americans have played a critical role in fostering that evolution. We need to decide how and to what extent we want to continue to play that role in the 21st century. It is easy to criticize the EU's weaknesses or even exploit them. The question is whether we want to help strengthen the Union and, if so, how. The post-Lisbon architecture of the European Union gives us new opportunities to engage and encourage a stronger partner on the other side of the Atlantic.

¹ The views expressed here are those solely of the author.

² The Lisbon Treaty replaced the failed “constitution” championed by former French President Giscard d’Estaing, when he served as chairman of the “Convention on the Future of Europe.” The rejection of that European constitution in 2005 in referenda in Giscard’s own country of France, as well as in the Netherlands, led to most of the constitution’s key provisions being repackaged in the blander, more digestible, form of a treaty. All of the Lisbon Treaty’s provisions will not be discussed here, but include creation of a single legal personality, new positions for a President of the European Council and High Representative of the Union for Foreign Affairs and Security Policy, a new European External Action Service, a redistribution of voting weights among the member states to be phased in starting in 2014, new powers for the European Parliament, a smaller European Commission with fewer commissioners slated for 2014, a new role for national parliaments, a citizens’ right of initiative, and the Charter of Fundamental Rights. For detailed information, see the EU’s website (europa.eu).

³ Gilles Andreani, “A European Union of Nations Needs Deft, Discreet Leaders,” German Marshall Fund Blog, Nov. 25, 2009 (blog.gmfus.org).

⁴ In the press release announcing the new European Commission, asterisks were placed by the names of the Commissioners for (1) enlargement and European neighborhood policy, (2) international cooperation, humanitarian aid and crisis response, and (3) development, with a note at the end stating that those Commissioners would work in “close cooperation with the High Representative/Vice President in accordance with the treaties.”

⁵ “The Department of State’s Quadrennial Diplomacy and Development Review,” Press Release, Department of State, July 10, 2009.

⁶ For example, see Marc Grossman, “New Partnership Dawns,” *The Baltimore Sun*, Nov. 16, 2009, p. A13, or Stephen Castle, “Europe Haggles Over Filling Presidential and Foreign Policy Posts,” *The New York Times*, Nov. 19, 2009, p. A11, quoting Charles Kupchan: “The view from Washington is ‘bring it on,’ I cannot think of any time since World War II when Democrats and Republicans alike have yearned for a Europe that can be a more capable partner.”

⁷ “Europe’s motley leaders: Behold, two mediocre mice,” *The Economist*, Nov. 26, 2009.

⁸ Speech by David Miliband, Secretary of State for Foreign and Commonwealth Affairs, “Strong Britain in a Strong Europe,” The International Institute for Strategic Studies, Oct. 26, 2009.

⁹ For more detail on what the components of an EU civilian surge might look like, see Karen Donfried and Mitchell Reiss, “Now Comes the Hard Part,” *The International Herald Tribune*, Oct. 5, 2009.