

The Lisbon Treaty and the Future of the European Union Common Foreign and Security Policy. (Post-) National Sovereignty Revisited?

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Abstract

Striking a balance between the political authority of the EU member states and the competences of an enlarged 'post-national' European Union (EU), the Treaty of Lisbon (ToL) has emphasized both aspects. On the one hand, it introduces a number of flexible institutional mechanisms to allow for more effectively integrated internal and external policies. On the other hand, as its conclusion states, it represents a manifestation of the sovereign will of EU members, freely expressed, and thus satisfies the desire for sovereignty of the member states (Wessels and Bopp 2008). Drawing on this assumption, this paper explores the linkages between the issue of (post) national sovereignty and the prospects for the effectiveness of the European Union Common Foreign and Security Policy (CFSP) after the ToL. In this context, I argue that in understanding the sovereignty balance (or rather the tension) within the legal and political structure of the EU, we can make plausible predictions as to the future of its foreign policy.

Keywords: *Lisbon Treaty, European Union, foreign policy, security policy, sovereignty.*

Introduction

The Treaty of Lisbon has addressed the EU backlog following the failure of the 'Constitution for Europe' and also the institutional discomfort resulting from the last wave of enlargement. Its legal setup seemingly meets the structural/institutional requirements of an enlarged Union and prepares its political capacity for the challenges of 21st century global politics. Notably, the prospects for the functionality and efficacy of its Common Foreign and Security Policy (CFSP) are again refracted through the concept of *(post) national sovereignty*. Striking a balance between the supreme political authority of the member states and the competences of an enlarged EU, the ToL has emphasized both. On the one hand, its stronger integrationist character introduces a number of flexible mechanisms to allow for more effectively integrated policies; on the other, it also satisfies the sovereigntist appetites of some member states. As stated in its conclusion, the ToL manifests the EU members' sovereign will, freely expressed, and thus politically reaffirms the 'sanctity' of the national sovereignty threshold (ToL and Wessels and Bopp 2008).

In this constellation, the question of whether the EU will assume the essential tasks of the nation-state and what sort of political freedom of action national governments will retain remains crucial but as yet unresolved (Habermas 2001). In effect, the tension between both these theoretical as well as practical developments arises once again. This is most evident in the field of the CFSP. As Smith (2002) noted, European foreign policy has hitherto gone far beyond the aggregation of national foreign policies, but it has also remained far short of an integrated common policy. Almost a decade later, the issue of whether the innovative aspects of the Lisbon treaty will bring forward brighter days for the CFSP has yet to be clarified. The strengthened institutional setup tends to favor this claim; but, notably, it is again conditional upon the political support of the EU Council. And, as is well known, reaching a 'common position' in this forum has never been an easy task, especially when the 'high' national interests of member states appear to be at stake. As a rule, their preservation is jealously relegated to the mechanisms of national foreign policies.

Despite this, in this article I argue that the ToL 'reconciles' the issues of national sovereignty and the post-national authority of the EU to the extent that it offers space for both. Depending on the context, both notions can be applied in parallel and effectively. Ultimate state autonomy can be preserved when national interests ask for it, but the effectiveness of the EU as a whole will not be questioned. The last, however, does not mean that the efficacy of the EU after Lisbon can be analyzed in the image and *capability* of a hard power. These notions should not be confused. But it also offers a pragmatic framework for fruitful conceptualization of the Union's post-national (soft, smart, normative) capacities and power capabilities which further its prospects at the level of global politics.

To *understand* the complexity of the issues above requires a deeper understanding of the concept of sovereignty. And this applies both to the theory of sovereignty and its institutional setup in the ToL and EU structures.

For these reasons, we also need a conceptual framework for distinguishing between its national and post-national expressions. Both are imbued with differing set of values which presumes accordingly differing effects on foreign policy behavior. In this framework I will propose an ideal sovereignty taxonomy, the aim of which will be to clarify their main theoretical content as well as the related practical implications. Drawing on this, I will elaborate on the nature of both these concepts in the context of the EU. The third part of this paper offers an overview of the ToL's balance on the national-post-national sovereignty axis, particularly in relation to institutional and policy-making innovations in the field of joint foreign policy. Finally, a short empirical analysis explores the practical prospects of the EU CFSP. Taking into account the area of the Western Balkans, both in pre and post-Lisbon contexts, the paper will end with some tentative predictions as to the future of the post-Lisbon EU CFSP.

The Classical vs. Post-National Sovereignty Dilemma

Political concepts are indispensable tools for analyzing the nature of organized social and political life. The concept of sovereignty in this context is essential: it is the cornerstone of the modern nation state and the main building block of international state society. Bearing in mind its contested and changeable nature, variations in its notional development and application are crucial in analyzing political regimes such as the EU and their behavior. Before addressing these issues in the context of the EU, however, we need an illustration of the historical manifestations of this concept, both practical and theoretical.

The metaphysical essence of sovereignty and the modalities for its practical application have equally been the object of differing historical interpretations. In terms of its evolution, two ideal notions can be summed up in the respective discourse: the modern or traditional, that is 'classical sovereignty' concept, and the contemporary, post or late modern—that is post-national— concept of sovereignty. The former predominated roughly from Bodin till the middle of the twentieth century. As such, it paralleled the birth and development of the modern state in Europe as an autonomous, self-preserving unit that exercised ultimate authority internally and conducted independent external policies (Held 1995, 2003). The later concept signified the weakening of traditional state sovereignty in the development of post World War II inter/trans-national politico-economic institutions and human

rights regimes. Notably, this process was illustrated by the birth of the EU construction, post-colonialism, the advent of a 'network society as well as interdependence and globalization developments.' Lastly, the increasing salience of humanitarian intervention has additionally diluted classical notions of sovereignty (Habermas 1996, 2001, Zürn 1999).

Despite its rich history, the complexity of which is hard to capture in a matter of sentences, modern political and social theory has offered rationalized definitions of this concept. These contain the main aspects of its social and political relevance, ideally summed up as "the idea that there is a final and absolute authority in the political community and no final and absolute authority exists elsewhere" (Hinsley 1986, 26). The essentially political content of classical sovereignty would be given recognition by its application to an essential political unit of that time—the state and its practices. Analyzed through the lenses of its three core state-building principles, i.e. the constitutive, organizational and the normative one, sovereignty signified the following: firstly, that 'absolute authority' is firmly bound within certain territorial confinements; secondly, that these territorially bound units possess authority and at the same time exercise legitimate violence over their citizens which, thirdly, is normatively aimed at the protection of their basic human values (Sorensen 1999, 2001). Inhering in the ruler, in the population, or in the apparatus of the state, this is the *de facto* state sovereignty that would prevail from the 15th century onwards (Zürn 1999). It would be gradually institutionalized in its two ideal expressions—inwardly and outwardly, that is to say, external and internal state sovereignty—and underpinned by the mechanisms of international recognition.

Importantly, gaining sovereignty and international recognition meant gaining international legal and political subjectivity. In effect, "the formal possession of sovereignty makes it highly likely that a state will have a foreign policy" (Hill 2003, 31). Conversely, "where sovereignty is denied or the capacity to exercise it severely impeded, foreign policy becomes particularly difficult, if not impossible" (*ibid.*). In this dialectical relationship, as Bach (1997) notes, sovereignty presupposes foreign policy and, vice versa, foreign policy presupposes state sovereignty. This correlation in turn called for the state's foreign policy to be aimed at preserving external sovereignty and the 'unrestrained pursuance' of so-called 'national interests.' Understood in classical terms, this entailed rationally tailored (non-ethical when necessary)

foreign policy behavior to preserve the state's independence externally and secure its freedom from external interference. Supported by a skillful foreign policy and diplomatic service, and buttressed by countries' material resources, foreign policy becomes an expression of national sovereignty and an embodiment of the *'raison d'état'* of the classical nation state.

As classical sovereignty ideas were bound up with the emergence and development of the absolutist and, later, the liberal nation state, so the evolution of the post-national state has been paralleled by post-national concept of sovereignty. These also presupposed concomitant foreign policy ideas. Signaling progression rather than a dead end, the complexity of this process was illustrated by the so-called aspects of *societal denationalization* (Zürn 1999). These broadly follow the development of post World War II inter/trans-national politico-economic institutions and human rights regimes. Conceptually, their content has been ushered in and defined by the German philosopher and social theorist Jürgen Habermas (2001, 60). In his view: "Post-national refers to the transformation of a historical constellation characterized by the fact that state, society, and economy are, as it were, coextensive within the same national boundaries." Zürn (1999, 15) adds to this dimension by confronting it with the 'national constellation', that is, "the convergence of resources, recognition and the realization of governance goals in one political organization – the nation state." This seems to be in a process of transformation into a 'post-national constellation.' In this framework, "the nation state is no longer the only site of authority and the normativity that accompanies it." (ibid.)

As to sovereignty, post-national notions generally indicate a transformation of state authority as exposed by the foregoing classical principles. Commonly, these all point to a reconfiguration of notions of public authority and the resulting incongruence between them and their societal reach. In effect, the constitutive elements of sovereignty connote a shift in the locus of the sovereign from the state (and the people) to subjects below, beyond as well as between national state lines. In its organizational aspects post-nationalism weakens the state's range of authority, control and autonomy, whereby sub and supra state actors are also entitled to rule. As to the normative dimension, post-nationalism introduces a qualitatively broadened set of values to be incorporated by sovereignty as state goals that are to be achieved and protected. Post-national foreign policy also departs from its classical *raison d'état* justification. Transferred to sub-national regions,

supranational institutions, or even to transnational corporations and INGO's, its raison d'être becomes a post-national enterprise wherein various state and non-state actors interact in realizing their competences and expectations.

Table 1: Classical vs. Post-National Sovereignty Concepts

| | CLASSICAL SOVEREIGNTY CONCEPTS | POST-NATIONAL SOVEREIGNTY CONCEPTS |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CORE CONSTITUTIVE PRINCIPLES | <p>Sovereignty resides in the monarch, state or nation:</p> <ul style="list-style-type: none"> – sovereignty is an absolute condition; – sovereignty is unitary; – sovereignty is indivisible; – sovereignty is non-transferable. | <p>Sovereignty keeps its classical locus of residence, but is also:</p> <ul style="list-style-type: none"> – limited (may be fragmented and delegated); – divided (may be shared among sovereign/sub/supranational actors); – partial and transferable to institutions below and above state authority lines |
| CORE REGULATIVE PRINCIPLES | <p>Exclusive and centralized control over territory, state autonomy, and independent internal and external policies; territoriality and inviolability of territorial integrity; non-intervention</p> | <p>Division and transfer of states' competences; diffusion of power to regional, state or supranational level; multilevel governance; multilateralism.</p> |
| CORE NORMATIVE PRINCIPLES | <p>Protection and provision of national security, international order, freedom, national liberty, justice and welfare.</p> | <p>Democracy; human rights protection; individual liberties; legitimacy; welfare provisions; inter/transnational cooperation.</p> |

Table 1. exemplifies the main features of this binary taxonomy. These present the historical processes whereby the conceptual and practical aspects of sovereignty gradually developed in order to accommodate the political tendencies of the age. On the one hand, their classical content underpinned the development of the nation state; on the other, their diffused understanding translates contemporary nations of post-nationalism.

Sovereignty and the EU Construction

Given the relationship between the notions of ideal sovereignty outlined above, the European Union stands as the most prominent example of post-national and hence post-sovereign state order. Confronting it with the notion of the classical nation state, Wallace (1994, 81) concludes that: “No government in Europe remains sovereign in the sense understood by diplomats or constitutional lawyers a half a century ago.”

In this constellation, sovereignty is increasingly held in common. In legal and political terms this means that it is “pooled among governments, negotiated by thousands of officials through hundreds of multilateral committees, compromised through acceptance of regulations and court judgments which operate on the principle of mutual interference in each other’s domestic affairs” (ibid., 81).

Due to discordance in conceptualizing the nature of sovereignty in the EU context, I will briefly present it and compare it according to three major alternative concepts.

The first propounds an *absolute* and *unitary* concept of sovereignty that does not really fit the pluralist European legal reality. As for them, as Besson (2004, 17) notes, “unitary accounts of sovereignty in the EU can be divided into two main groups. The first group encompasses mostly national *intergovernmentalists* who understand national constitutions as the ultimate legal rule in the EU, or European *supranationalists* who, on the contrary, see national constitutions as subordinated to the European legal order.” In the view of the latter, “sovereignty remains a unitary phenomenon according to which ultimate decision-making authority ought to be exercised in a one-dimensional way whether at the European or international level.” (ibid., 17)

On the other hand, the second group has propounded the idea of the disaggregation and re-aggregation of sovereignty in order to grasp its poly-centered dimension in Europe. As Walker argues (1999, 15; also quoted by

Besson 2004), pooled sovereignty sits “uneasily with the sense of sovereignty as a unifying and self-identifying claim made on behalf of the polity.” “The problem with their view of *pooled* or *shared* sovereignty, is that by being everywhere, it seems that it is nowhere particularly important” (Besson 2004, 17).

Finally, the third group dispenses entirely with the concept of sovereignty. Deconstructing the tyranny of statist concepts, it argues that “there is no reason why the organization of a post-national polity like the EU should follow the same rules as national polities” (ibid. 17). As I argued above, a more fluid, historically and socially informed understanding of sovereignty can shed a stronger light on its complex characteristics. In this view, sovereignty can be legitimately conceptualized in binary categories, i.e. unitary and shared, absolute and relative, national and post-national, in order to allow for its better understanding, especially in the context of the EU.

In more socio-theoretically informed terms this means that, besides the nation state, supranational institutions beyond the national level—but also sub-regional ones below it—are entitled to define, enact and apply different policies previously held by the state. They also regulate its socio-political life and the national-territorial space accordingly. Consequently, this move has wide-ranging effects on the state and its citizens: from regulating their economic sovereignty to affecting their social policies, from stirring countries’ political behavior to shaping their cultural and identity policies. In this sense, the EU construction, standing as a hybrid regime between the notions of intergovernmentalism and supranationalism, clearly affects its members’ sovereignty and, moreover, adopts certain sovereign prerogatives for itself. As a result, we face a paradoxical but somehow functional situation: on the one hand, states have transferred large portions of their political authority to post-national bodies of the EU; on the other hand, they have retained aspects of their sovereign decision making in areas sensitive in terms of their national interests and their internal and foreign policymaking. In this constellation, the concept of ‘mixed sovereignty’ (Bellamy 2002, 186) probably best fits the EU reality: it denotes a political system of a multi-level nature, “involving a mixture of sub-state, state, and supra-state actors and decision-making fora.”

Foreign Policy and the EU construction

This 'tension' between national and post-national sovereignty is most prominent in the area of foreign policy. Standing prominently as the final bastion of national sovereignty in nation-state contexts, foreign policy is particularly sensible to shifts of sovereignty beyond and below national levels. The EU in this context stands as a conceptual and practical challenge to the classical features of foreign policy making and behavior. To highlight its characteristics, as was the case with sovereignty, we need first to stabilize the conceptual discordance as to the meaning of foreign policy and to show its definitional outline.

Christopher Hill (2003, 3), a prominent British academic, defines foreign policy as the "sum of official external relations conducted by an independent actor (usually a state) in international relations." And while Hill's focus is on the general content of foreign policy (sum of actions) as well as on the ontology of its legitimate bearers (the state), Smith (2002) focuses more on the capability as well as the aims of foreign policy. According to Smith, this means the "capacity to make and implement policies abroad which promote the domestic values, interests and policies of the actor in question."

In both these definitions, foreign policy as understood in classic terms reflects only the prerogatives of the classic state. The security of the state and its citizens, as well as the defence of their interests, forms the *conditio sine qua non* of foreign policy. Nation states as both capacious and independent/unitary sovereign actors are the only entities entitled to perform in the international arena. Their relentless foreign policy struggles, in contrast, shapes the anarchical contours of the world political scene itself.

Translated through the language of realism, the EU in this context stands both as a non-cohesive and weak foreign policy actor. Despite its extensive external engagement, when it comes to the 'high politics' of security and defence, both its capacity as well as its actorness are brought into question. The EU is subordinate to the member states: it lacks centralized decision-making and has no military capability, which, joined with the so-called capability-expectations gap, results in the weak actorness (or 'agency' in the parlance of international relations) of the EU in international arena. As a result, it is the individual countries and their national sovereignty that prevail.

Yet, if we loosen the conceptual constraints of the classic (read 'realist') understanding of foreign policy and define foreign policy instead as "the sum

of official external relations conducted to make and implement policies abroad which promote the domestic values, interests and policies of the independent actor[s] in question,” then the EU takes the form of a clearly legitimate, though post-national, foreign policy actor. The phrase ‘independent actor’, as Hill (2003, 3) notes, “enables the inclusion of phenomena such as the EU” while actor[s] in the plural (my remark), in my personal view, reflects the inclusion of sub and supra state bodies, as well as transnational actors, when jointly promoting and protecting domestic values and the national interests of the subjects in question. As a result, “external relations are official to allow the inclusion of outputs from all parts of the governing mechanisms of the state or enterprise while also maintaining parsimony with respect to the vast number of international transactions now being conducted”. Policy, in this context, “is the sum of these official relations”.

In sum, seen through both classic and post-national foreign policy interpretative lenses, the EU plays simultaneously a weak and also a prominent foreign policy role. It acts as a sovereign actor and has supremacy over its members in many areas of external policies but it also plays a subordinate role in areas of ‘high politics.’

Institutional and Policy-Making Novelties in the Field of CFSP in the Treaty of Lisbon

Before considering the revision of (post) national sovereignty in the EU after Lisbon and the effectiveness of its foreign policy, we need to look at the institutional settings for the EU CFSP. As the complexity of the EU legislative corpus lies beyond the scope of this article, I will mainly discuss the Treaty of Lisbon, briefly comparing it with the preceding intergovernmental treaties—namely Maastricht, Amsterdam and notably the Treaty of Nice. The idea here is to highlight the main institutional instruments that account for the treatment of sovereignty within the EU and its translation through foreign policy.

The legal setup of the EU is shaped by intergovernmental treaties (IGTs) which provide the normative foundations for its functioning. In this constellation, the prerogatives of the EU are being set up and also the borders of national sovereignties are being (re)drawn. Speaking in symbolic terms, IGTs illustrate the extent to which the EU can intervene in the national issues of its members and vice versa: where to and in which area national sovereignty is being ‘surrendered’ to Brussels.

The steady advance in the economic and political integration of national sovereignties has also brought forward the need for a joint European foreign policy. Starting with European political cooperation in the 1970s and gradually borrowing from its members' external prerogatives, the EU has slowly embarked upon developing external (or foreign) policies of its own. In political terms, these have followed the logic of legal and political balancing between the national sovereignty of the EU countries and their national interests and the EU's growing international role and have evolved into a complex system of foreign relations. To begin with, the Maastricht Treaty was the first to embed the idea of a Common Foreign Policy in the EU's second pillar. It institutionalized the general objectives of the CFSP, established mechanisms for systematic cooperation between EU countries on foreign and security policy issues, and, when necessary, urged the definition of a common position under the leadership of the European Council and the Council of Ministers (Nugent, 2002). Amsterdam streamlined the Maastricht provisions and policy instruments, extended the qualified majority voting (QMV) provisions, and introduced the mechanism of "constructive abstention". It also created the position of the EU's CFSP High Representative and policy planning and early warning units (*ibid.*, 57–81). (See also Appendix, Figure 1.) Lastly, Nice retained the institutional setup developed under Amsterdam but advanced its provisions further, enabling enhanced cooperation to allow some member states to go forward with joint initiatives, etc. (*ibid.*, 81–93).

However, the institutionally ramified and legally multifaceted CFSP structure did not fully correspond with its normative and, above all, political efficacy. In terms of the first, the institutional setup, the CFSP was criticized for its complex yet underdeveloped structure. Namely, the CFSP's is of a multi-pillar, multi-level and multi-locational character. As a result, "the complex distribution of competences both horizontally, between the Community and the CFSP, and vertically, between the EU and the member states, and, consequently, the dispersed resources, capabilities and diverging interests and priorities, lead to the need for intensive coordination and adequate flexibility mechanisms" (Justaert and Nasra, 2008, 2). In effect, horizontal distribution results in decoupled foreign policies as well as in a dispersion of capacities and resources, degrading its overall effectiveness (*ibid.*). This was illustrated in the clash of competences and competitiveness between the EU High Representative for CFSP and the EU Commissioner for External Relations. In terms of the vertical distribution of competences and the political

and practical efficacy of the CFSP, when understood in classical terms, the CFSP lacked both. Being largely dependent on the balance of sovereignty struck at the European Council level, it was politically under-supported and ineffective, lacking both autonomy and material capabilities for more cohesive foreign policy actions.

The Treaty of Lisbon was obviously meant to resolve both misbalances (institutional and political) and provide for more effective EU foreign policy. Revisiting the balance between the political authority of the member states and the competences of an enlarged 'post-national' EU, the Treaty of Lisbon is in favor of both. It introduces a number of flexible institutional mechanisms to allow for more effectively integrated internal and external policies and also reasserts the sovereignty of the member states. As to the first, it acknowledges the need for better coordination and flexibility both horizontally and vertically and introduces creative institutional and procedural novelties in this respect. These revolve around the changing position of the current EU High Representative for CFSP, as well as around the new institutional bodies introduced in this realm, namely, the President of the EU Council and the European External Action Service. The High Representative of the Union for Foreign Affairs and Security Policy (Art. 18 TEU) represents the central institutional arrangement in the area of CFSP within the new treaty. The office is the latest of a range of suggestions and efforts to enhance the efficiency of the cooperation between the member states and to "ensure the consistency of the Union's external action" (Art. 18 (4) TEU) by giving it a 'single voice' and 'face'" (Wessels and Bopp 2008, 19). To fulfill these tasks the High Representative "will be provided with a 'double hat' or even three functions, respectively" (ibid., 19). The office combines the two posts of the High Representative and the Commissioner for External Action. The High Representative is a vice president of the European Commission and reports to the Council of the European Union, also chairing its sessions on foreign affairs. The High Representative's role is to bridge the gap between the Council and the Commission. Furthermore, as a 'third hat', the High Representative will chair the Foreign Affairs Council. The High Representative will be supported by a European foreign office consisting of representatives of the Council, Commission, and member states.

As for the President of the European Council, under the Treaty of Lisbon the President of the European Council becomes a stable and full-time function. According to Article 15 (6) of the Treaty on the European Union, the

President of the European Council chairs it and drives forward its work, ensures the preparation and continuity of the work of the European Council in cooperation with the President of the Commission, and on the basis of the work of the General Affairs Council, endeavors to facilitate cohesion and consensus within the European Council, and presents a report to the European Parliament after each of the meetings of the European Council. The President also, at this level and in that capacity, ensures the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy.

In terms of procedural novelties, the Treaty of Lisbon introduces several new provisions aimed at facilitating the policy-making process in EU foreign policy. These provisions comprise both the changing role of the European Council in the use of policy instruments, the extension of qualified majority voting in the CFSP, the granting of a legal personality to the EU and measures of flexibility, namely enhanced cooperation, Permanent Structured Cooperation and the flexible implementation of EU policies (Justaert and Nasra 2008).

To conclude, the Treaty of Lisbon's balance of (post) national sovereignty between EU member countries and the EU itself, and the institutional novelties in the field of CFSP, enables the Union to take an important step forward in closer cooperation and greater integration. As some authors have noted, at least a structure now exists that is capable of action, one in which organizational barriers are easier to overcome. This has gained importance since the European Union now seeks to coordinate its diverse crisis management resources more effectively—that is, to use political, economic, military, police, and foreign aid instruments to ensure long-term stability in regions (Riecke 2010). Yet the sovereignty tension still remains. Declarations 13 and 14 of the Treaty of Lisbon are quite clear in this case: the new provisions of the Treaty in the field of CFSP "... will not affect the existing legal basis, responsibilities and powers of each Member State in relation to the formulation and conduct of its foreign policy, its national diplomatic service, relations with third countries and participation in international organizations...".

EU CFSP in Practice: the Case of the Balkans

In terms of the national-post-national sovereignty dilemma and its concomitant concept of foreign policy, the EU has hitherto proven both a weak and an efficacious actor. Add to this the conceptual distinction between 'soft and hard power' in foreign policy terms and the EU foreign policy picture becomes clear(er). If the primary currency of hard power is the ability to obtain what one wants through the use of coercion and payment, then the EU as a whole, and its CFSP mechanisms in particular, are largely ineffective (or less effective). If the primary currencies of soft power are an actor's values, culture, policies and institutions and the extent to which these "primary currencies", as Nye calls them, are able to attract or repel other actors to "want what you want", the EU can be seen as a post-national soft power the efficacy of which is hard to be underestimated.

To elaborate, taking the Balkans as an empirical case, if the overall role of the EU in halting the calamities of this region in the 1990s is seen through the lenses of classic concepts of sovereignty and the 'hard power concept', the EU has largely failed to project a coherent and efficacious foreign policy in the Balkans. This claim is largely supported by the inability of the EU (not being a unitary, sovereign state) to cope in a timely manner with the wars in former Yugoslavia and to apply effective and necessarily coercive measures in order to stop the bloodshed in this region. Despite the EU's optimism following Maastricht, its foreign policy seemed insufficiently developed to face the Balkan challenge. The CFSP structure was in its initial stages and institutionally underdeveloped; the differing national interests of EU member states prevailed and the EU balance of sovereignty inclined towards its classic dimensions. The relative foreign policy weakness of individual EU countries only exacerbated the EU stance and its discreditable role in the Balkan conflicts in the 1990s.

If we analyze the EU's behavior in the Balkans through the concepts of 'soft power' and post-national sovereignty, however, then the overall picture is slightly different. Significantly, this approach does not reject the relevance of hard power and the immediacy of its projection. As I said above, the EU did fail in projecting coherent and effective foreign policy action in the immediate context of the Balkans. But its gradual development and deployment ever since, and the mid- and long-term benefits as a result, are hardly to be underestimated. As Vachudova (2005, 1) notes, "The European Union (EU) is

widely recognized as the international actor with the most potential influence in promoting ethnic reconciliation, shoring up democracy and supporting the economic revitalization of the Balkans.” If we add to this the changing context in the Balkan countries themselves, i.e. the ‘weakening power’ of nationalism, and the pro-Western and pro-integration stance on the part of Balkan political elites, then the prospects for a successful and effective CFSP become brighter. Its influence now is immediate, providing humanitarian aid, economic assistance, market access and political support. “It is also long-term—shaping the tenor of domestic politics by offering the prospect of EU membership. The prospect of EU membership may be more diffuse, but it is ultimately more powerful. It provides substantial and consistent incentives for political moderation and reform on the part of elites in the Balkans and Turkey” (ibid., 1). The Treaty of Lisbon in this context, and its mechanisms for more streamlined CFSP, can only enhance and provide for a more integrated EU approach towards this region.

Conclusions

At the beginning of this paper I argued that the nature, understanding and institutionalization of (post) national sovereignty in the EU will also determine the nature of its foreign policy. Understanding the continual sovereignty balance between the member states and the EU itself is of fundamental importance for grasping and predicting the future prospects of its CFSP. As argued in the first section, sovereignty can be ideally conceptualized in the binary categories of classic and post-national sovereignty. Both contain the main building blocks of this important concept, the theoretical and practical development of which can also be applied for analyzing the nature of organized political life. In this context, the EU stands as the most prominent example of—and evidence of—the changeable features of this concept. The mixed, multilevel character of its polity confronts mainstream theories on the role of state and sovereignty. Its foreign policy behavior also follows these patterns: i.e. it plays on the verge of classic and post-national foreign policy. According to this academic understanding, we may classify the EU CFSP as less or more effective. The Treaty of Lisbon in this context introduces a variety of mechanisms which enhance the prospects of the CFSP. The flexibility principles of Enhanced Cooperation, Permanent Structured Cooperation and the possibility of entrusting the implementation of a task to a

group of Member States offer a framework for more effective EU action when necessary. Notably, the extent to which a delicate balance of interests and visions between these common actors and the EU member states is found regarding sovereignty will determine the integrative and policy relevance of the Treaty. As the further integration of the Balkans is more or less of interest to all EU members, the CFSP can play the leading role in these processes. Taking the initiative, Baroness Ashton (2010, 4) recently stressed: “the Balkans is the birthplace of EU foreign policy. More than anywhere else, it is where we cannot afford to fail.”

Endnotes

¹ Bracketing '*post*' in the whole of the '*(post) national sovereignty*' designation signifies the unsettled character of this important concept and the coinciding and parallel application of both its national and post-national dimensions in both the theory and practice of the EU.

² This taxonomy is based on Max Weber's ideal typologies. In this context they are of a descriptive nature and examine the ramifications of differing interpretations of the sources of legitimate authorities within defined or beyond (my remark) political boundaries. In practice, however, there is a continuum from classical to post-national sovereignty and both may share certain principles and values. (See: Weber, 1949, also Barkin and Cronin, 1994.)

³ The distinction between classical and post-national sovereignty ideas is inspired mostly by the Habermasian (2001) post-national (as opposed to classical or national) constellation. Held (2003), for instance, distinguishes Classical and Liberal-international sovereignty *regimes*; Jackson (1991) distinguishes Classic and New sovereignty *games*; Caporaso's distinction (2000) is between Westphalian and post-Westphalian sovereignty *orders*; while Sørensen (1999) sees Westphalian and post-modern sovereignty *games*.

⁴ The variety of sovereignty labels associated with the post-national constellation range from the notion of shared (Wallace 1999) and pooled (MacCormick 1995, 1999), to divided (1989) and associated (Katzenstein 1997) to postmodern (Cooper 2000) sovereignty.

⁵ For a succinct overview on the differing theoretical understandings of foreign policy, see Smith, Hadfield and Dunne (2008).

⁶ This is a provisional definition which combines the approaches of both Hill (2003) and Smith (2002).

⁷ And as we shall see in the following part, the ToL clearly defines the international legal subjectivity and actorness of the EU in international context.

⁸ A stronger constructivist perspective will also take into account the ideational and normative factors: the joint liberal democratic traditions in Western Europe, the Europeanization of national identities, the idea of normative power Europe and so on. See: Christiansen, Jorgensen and Wiener, (2001).

⁹ See also:

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/111298.pdf

¹⁰ The conceptual distinction between “soft and hard power” was famously coined by the American theorist of international relations, Joseph Nye. In his view, soft power is the ability to obtain what one wants through co-option and attraction. This is in contradistinction to 'hard power', which is the use of coercion and payment. See: Nye (2005).

¹¹ Admittedly, where Balkan political elites are concerned, the value of these claims should be considered in relative terms.

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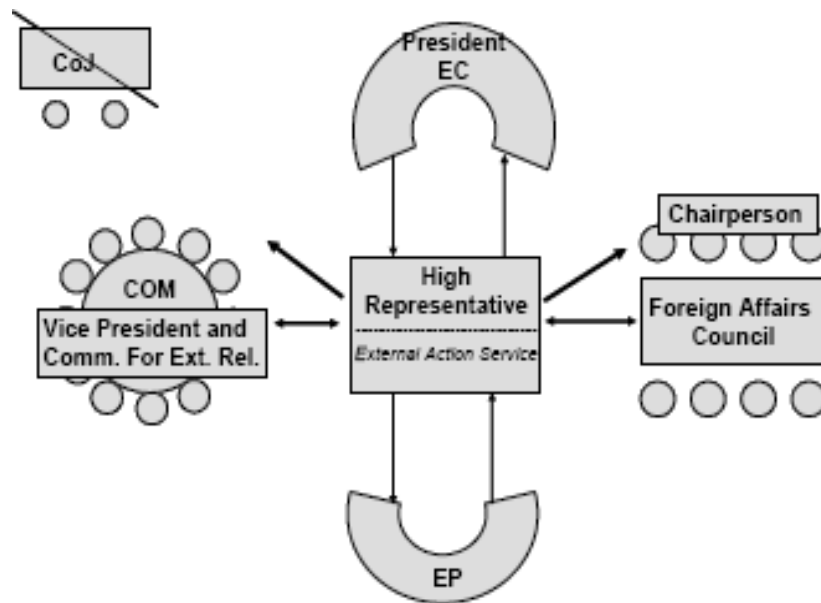
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Appendix: Figure

Figure 1. The institutional structure of the CFSP after the Treaty of Lisbon



Source: Wessels (2008)