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**The “Battle of Lisbon” and the Challenges of Tomorrow**

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**Abstract:** In the last decade the European construction and the structural changes on the European Union level were forced to adapt to the new global realities in which the multi-polar competition and the economic problems shaped the form of the Lisbon treaty and created a new frame of development for the continental organization. On the other hand, these new changes adopted by the treaty may not be the real solution to the contemporary global developments in which the accelerated and interdependent contexts define the world of tomorrow. From this point of view, the Lisbon treaty may or may not be the proper response to the internal and external challenges of the European Union, but it is clearly a step to a more safer and comprehensive Europe. For this reason, the main objective of this study is to map a possible walkthrough of the tomorrow’s European construction and also the maze of issues with which the Union must deal for a successful structural construction.

**Keywords:** Lisbon treaty; European development; globalization; European construction; integration; foreign policy

## **1. Introduction**

It can be confusing to understand the entire European construction process. It seems that its entire existence is like a war and skirmish at the diplomatic and intergovernmental level about the general rules of function or different nuance of solutions to the same problem. From this point of view, it is important to understand the European construction, at least the last twenty years, and the context in which these efforts collided not only with internal issues, but also with external, global problems. The lack of public presence of prominent intellectual figures and charismatic or visionary leaders reduced the European construction to a political and economic debate, finalized with a battle about Europe and not for Europe. In this context it was clear that the Lisbon Treaty is only a cease fire, an agreement about disagreements, which is useful for administrative reasons, but it cannot replace a vision for a future. Taking into account these, the research question of this paper is the following: The EU is able to confront in the midterm future with this path or not? In the first part of the paper, we will emphasize the main features of the contemporary European developments, in order to better highlight, in a critical manner, the principal innovations of the Lisbon Treaty. The events will be reiterated in a diachronic manner, helping the reader to draw a synoptic perspective about the topic. In the final part of the study, we shall draw a taxonomy of the international challenges the European Union has to manage to, both at the internal and at the external level.

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## 2. History of Contemporary European Developments

By the end of the 20<sup>th</sup> century it was clear that fall and disintegration of the former Soviet *empire* managed to create a void not only in the international power regime, but also a new framework for further developments in the economic, social and political field, developments which were beyond the known bipolar international system frames (Kolodziej 2005, p. 377-393). The end of Cold War and constant collateral skirmishes in the countries of the third world created an opportunity for the development of a new international system and the creation of new political and economical regional structures. Integration processes were not new concepts in the intergovernmental relations frames, but the accelerated interdependence and globalization made them the spearhead of several regional collaboration efforts.

Secondly, the unification of Germany and the democratization in the former communist states made possible the approach between former *enemies* and a collaboration and integration in the structures of the North Atlantic Treaty Organization and the European Union. New approaches were developed in order to manage the eastern European countries and the relations with them, on the basis of the economic consolidation and social development for a possible integration in the EU. In this context, financial aids and financial instruments were developed specially for the emerging democracies (Attina and Rossi 2004, p. 48).

In the 90', the European Union started to act as a different member of the international community, and accordingly to the principles of the Maastricht and Amsterdam treaties, started to elaborate strategies for the integration process and for the post integration process. The management of relations with the candidate states and the accession timetable were clarified by the Nice treaty, but the post accession agenda needed a different approach, targeted on the structural cohesion and juridical status of the union institutions and the union itself. Joschka Fisher's words on the necessity of federalization and H. M. Barosso's concept on foreign policy of *ring of friends* cannot be implemented without the settlement of certain instruments.

It should be mentioned that the new constitutional agenda was adopted and the work on the new European constitutional treaty was ended in the fall of 2004, when at Rome the representatives of the 25 states signed it. In the next year, at January 12 the European Parliament adopted the treaty with a large majority of 500 to 134 votes, and offered a kind of democratic legitimacy to the constitutional treaty. From this moment, the fate of the treaty was sealed, more and more states and political groups raised the voice against the concept of European constitution. It became evident that the gap between the European leaders, the constitution, European citizens and the concept of new legal and political European entity was evaluated in a wrong way. After the French and Dutch popular veto, the whole idea of constitutional process needed a new form which can be sold not only to radical euro-skeptics, but also to the citizens of the member states. It can be said that the form died but the spirit lived further.

After 3 years, in June 2007, the idea of a reform treaty was proposed, in order to update the Rome treaty and the Maastricht treaty in a way that can be the base of the further development of the Europe of 27 and not only. The established Intergovernmental Conference managed to draft a version of a reform treaty in less than a month, which passed at the foreign ministry meeting in September and the Council by October. After the signing in December and the positive vote in January 2008, 525 in favor and 115 opposing, the new reform treaty was submitted for national ratification. In opposition with the constitutional treaty, the Lisbon act was more a consensus about disagreements than an accord about the future of the European Union. This perspective and the different point of views of European construction managed to lay down a treaty which was not a perfect one for the contemporary context, but it was perfectible and useful for a further development of the entire European construction process.

### **3. A Reform Treaty is one useful treaty?**

Nowadays, it is clear that the Lisbon reform treaty is a useful instrument for the European construction, and its development raises some questions about its efficiency on middle and long term periods. The lack of constitutional character and form (in the title) demote the Lisbon act to a simple intergovernmental treaty, with no symbolic power and consequences derived from it. On other hand, the administrative, structural and institutional competence defining character can be useful for the European construction itself, by offering a basic image of statehood (a possible future federal state), in which the three powers are more or less separated. This separation is not yet a real one, the lack of clear and efficient control over each other is substituted by a complex machine of co-decision and negotiation in which the *check and balance* principle is not functional. Nevertheless, this structure will not stop the existing governance process on the European level to function properly, and the flexibility of this multi-level (governance) decision making machine can promote the core idea of federalism state form in the future.

To go through details, the importance of the new treaty can be analyzed in the context of the innovative elements which are introduced to the European citizens. Legal entity, citizenship, *Foreign Affairs Minister*, co-decision, Parliament's powers, Commission structure, central bank, justice system, mutual solidarity principle and the fundamental right are the major point of analysis for the significance of Union reform treaty. After a few years we already know that this measure in fact has a very low impact and mostly is not understood by the European citizens.

*Dressing* the EU with the robe of legal entity, the states managed to create a legally recognized juridical and economical person who has the role to speak in the name of the 27 members and represents the union as a clear compact international entity. By all means, this modification accompanied by the creation of two high representation officials, shaped the backbone of the European single international entity, despite their downsides and lack of coherent role.

Another major change in the landscape of European institutional representation was the newly created *President* (of the Council) and of the *High Representative* (of European Union for Foreign Affairs and Security Policy) as the head of the *External Action Service*. Both offices were needed and their existence revealed somewhat the dilemma of the international community: "whom to call when you want to speak with the EU?". On the other hand, the prerogatives and role of these two offices are at least unclear for us. Their voice is not present on the international scene, and in case of conflicts the voice of the *High Representative* is outranked by those of the leaders of the member states. Furthermore, at the last UE border crisis (Libya and the Maghreb region's political development) the voice of the union was inexistent, contrary to the declarations of European leaders who pledge their actions in the service of the common European benefit. Of course this radical approach to the situation does not wish to create one negative picture, only tries to underline the difference between the current context and the future needs (Luzarraga and Llorente 2011, p. 167-171).

At judicial level, the Lisbon Treaty managed to create a consistent and comprehensive legal interpretation body, the *Court of Justice of the European Union*, which includes the bodies of the former Court of First instance, now renamed General Court, the Civil Service Tribunal and the European Court of Justice. This structural construction may represent some day the backbone of the federal type judicial system at the EU level, and is mainly an institution dedicated to safeguard and offer backup juridical protection to the European citizens. In this line of new measures, we can include the possibility (art. 86) of establishing a *European Public Prosecutor* as a possible liaison between the Europol and the courts or prosecutor for offences against the treaty. By including as an annex the *Charter of Fundamental Right*, the Lisbon Treaty managed to expand the role of legal protections offered by the EU, in the direction of an integrated citizen centered judicial system. In parallel with the structural changes at the level of justice, the treaty clarified the concept of European citizenship as an attribute which offer several rights and judicial protections for the population of the union (article 11 of the treaty) (Kaufman 2008, p. 8-18).

By the separation of European Council from the Council of Ministers, offering more prerogatives to the European Central Bank, or strengthening the role of Parliament, the Lisbon Treaty tries to create a legitimate and transparent decision making process in the light of several accusations of democratic deficit or power monopoly by the Council of Europe. Largely this measure is with positive impact, but their successful implementation and exploitation lie in the good willing of the European Council.

#### 4. Regional and Global Challenges

By the late 90' the international system was defined by uncertainty and the rise of new challenges. On global scale the crisis of Russia, the emergence of China as a major economic power or the US represented the major vectors in the EU institutional life. The international system was far from any kind of model elaborated by the theoreticians of international relations or globalization. The international system and the European presence in the world were against subjected to a new kind of challenge, created by the effect of globalization and global interdependences. Like in the 70' the capitalist economies were shaken by the Asian crisis and the emergence of new competitors in the form, of China and India. The new millennium brought radical changes to the international and European system, which defined the needs of Europe and forced the European Union to elaborate a structural tightening strategy, including the creation of a solid economical, political and social entity under a constitutional treaty. The September 11 events or the new Russian foreign policy shift promoted by President Vladimir Putin, caught by surprise not only the international community, but also the European Union too. But the globalization and its effects created a chain reaction not only on political level, but also on economic and social level, which defined the last decade and will define the new one.

*Challenges.* Without jumping in the arms of McCarthyism, we can say that the EU faces two types of challenges. One type is the internal issues, from regional development to security policies, and the other type is the external problems, represented by the negative effects of globalization, war, terrorism, economical crisis, health crisis and other international situations. These two separate themes have the same framework which lays in the institutional capacity of the European Union to use its powers conferred by the Lisbon Treaty and offers quick and effective solutions to the problems.

At the internal level, the European Union must face the consequences of the accelerated eastern European process, with its negative effects, for example, the regional discrepancies and the political and economic differences. Like in the case of the Democratic Germany, there is no amount of money that can fill the gap between the old union and the new members. This regional difference is still one of the hardest issues on the European agenda, but the recent measures like the Fiscal and Budget agreement, cannot substitute the lack of measure during the last years. According to the Lisbon Treaty, the absence of financial and budgetary provisions with clear sanction methods can be considered as the source of all current financial troubles in the European Union. The other side of the coin is represented by the opportunity of consolidation offered by the Lisbon Treaty, which does not offer clear solutions to the internal problems, but clarifies the existing administrative and leadership problem. The common market, euro zone and the increasing role of the central European bank can be successful only in one coordinated effort and above national state politics.

The fate of the euro and the euro-zone depend not only on international markets or the American economy; the major lifebelt can come from the ECB and the correctly applied provisions of the fiscal and budget agreement. New markets and export opportunities may offer some relief, but the global crisis managed to shake them too, and the sovereign debt of some state may slow down the national investments for up to several years. It is important to understand that this type of situation cannot be prevented by any kind of constitutional treaty or agreement, neither now nor in the future, those mechanisms can make it more manageable and less destructive. On the other hand, the appeal to restrictive protectionist economy can be dangerous for further developments and can destabilize long term economic relations and treaties.

At external level, the European Union seems to be unable to leave behind the economical giant stigmata and become a political giant too. In the future the *ring of friend doctrine* and other intervention and aid instruments must be precisely put in the hand of a unique authority and executed only by the *High Representative*, because situations like the Arab spring in Tunis or Libya cannot be left or managed by several political decision factors. It is true that former colonial powers maintained their presence in the African economy, but the necessity demands a political and even military presence in order to avoid further complications and dangers for the UE, like wars, health crisis or other disturbing factors.

To add more points, we should note that another challenge describes the fact that near the UE border is the ex-soviet region and the new Russian foreign policy, promoted by president Putin from almost 10 years. In the *Putin doctrines* vision the Russian Federation must regain its influence in the Eurasian continent, and must regain all lost markets and economic assets of the former soviet state. The first steps were made by the Commonwealth of Independent States, when created a *Free Trade Area* in 2011, and other measures which are in accordance with the regulations of the WTO. By now it is clear that Russia will not accept any further EU enlargements toward east, and that Brussels must reshape the relation with the border countries like Moldova, Ukraine or Byelorussia.

The globalization and the migration derived from it ask for new approaches, not only from the point of border security or migration control, but also from the integration point of view too. It is clear that the migration cannot be stopped and no tolerance policies may be used, for this reason consequent integration policies must be developed. The only chance for this policy to function is that the EU and its institution respect the Lisbon Treaty and the declaration of rights, and manage the integration of these communities at local or regional level, avoiding to make from the issue a union wide problem. Furthermore, the new war on terrorism and camping against the terrorist actions must never be used as an excuse to target radical factions of immigrants groups. For this reason, the Lisbon Treaty offers a second safety option, the Parliament, which of course has no power over security policies (except the national parliaments), but it can be used as a voice of democracy and civil rights, a mechanism to avoid the road taken by the United States (Durham 2006, p. 180).

In the end, we must mention the most important challenge for Europe, which can be achieved and protected only through one integrated economic and foreign policy effort: the energetic security of the EU. This complex issue needs not only a complex agenda, but also a structural and comprehensive actions from the union. For this reason, the seemingly powerless *President* and *High Representative* must be invested with more than a minor role in the foreign representation process. On the other hand, individual states actions must be stopped because these undermine the success of collective actions.

## **5. Conclusions**

The main conclusion to be drawn is that the Lisbon Treaty and the fierce fight against any kind of idea in the direction of a federal type of government were in vain. The newly signed *Fiscal and Budget* agreement overrides the principle of sovereign state budgets and sovereignty in the economic field, in a more drastic way than a constitutional treaty would have done. This emergency measure, taken under economic stress, managed to convince the European states to take a step which were not ready to take 8 years ago, and opened the door for further opportunities and for a constitutional type of agreement. On the other hand, the European Union cannot afford the luxury to react only in critical situations, nevertheless to wait for the interdependent and globalized Europe and world to be influenced by another crisis like the economic one. For this reason, a new direction and principles must be lied down to create a state structure that is more than an intergovernmental agreement based entity. But in the end, the Lisbon Treaty is the best option and the best consensus on Europe's future, which manages to create a functioning administrative and political structure at this moment, and represents the sum of the national states wishes. We do not want to underline the negative part of the European construction and ignore the positive ones, but the current international context and the future

development are moving in a faster way than the European construction does. The Old World must try to speed up its integration and align to the new international motions.

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