



The First President of the European Council

Years of soul-searching and institutional introspection preceded the Lisbon Treaty's coming into force. The new EU structure was expected to resolve the decade-long question: "who do you call when you want to speak with Europe?" For candidates who could pick up that imaginary EU phone, Lisbon created two new top jobs: a High Representative of the Union for Foreign Affairs and Security Policy, and a President of the European Council. While another brief in this series (www.unc.edu/depts/europe/business_media/busbrief1004-high-rep.htm) focuses on Europe's first High Representative, this paper zeros in on the first EU Council President. The election by the EU Heads of State and Government of the little-known Belgian Herman van Rompuy for that post generated surprise and skepticism. But when taking into account the lingering practical institutional challenges that have to be addressed, or when aiming for coordination rather than initiative, Van Rompuy could be considered a successful pick. This brief assesses how the EU came to his election and touches upon what is to be expected of the new EU Council President.

On December 1, 2009, the long-awaited Lisbon Treaty came into force. For the EU Council – the EU Heads of State and Government – this means that it has become an official EU institution. And while the rotating six-month country-presidency remains in existence, the Council will now also have a permanent president.

In comparison with the sluggish ratification of the Lisbon Treaty, the two newly created high level jobs were filled with unseemly haste. But those that interpreted this speed as a sign of vivacity and eagerness of the "new" EU to play a stronger and more united role in the world were left disappointed. Overall, the negotiation process became one familiar to the "old" EU: consensus and compromise leading to a lowest-common-denominator result. The first President of the European Council was to be rather grey and uncontroversial. In the polite words of Hillary Clinton, the election of Herman van Rompuy constituted "a milestone for Europe and its role in the world". A more frank reality was harshly brought to the fore by the radical British Member of the European Parliament, Nigel Farage: "We were told that when we had a president, we'd see a giant global political figure, a man who would be the political leader for 500 million people, the man that would represent all of us on the world stage, a man whose job was so important that of course you're paid more than President [Barack] Obama. Well, I'm afraid what we got was you . . . I don't want to be rude but, really, you have the charisma of a damp rag and the appearance of a low-grade bank clerk and the question I want to ask is: 'Who are you? I'd never heard of you. Nobody in Europe had ever heard of you.'" While Farage was censured for his comments, he had certainly tapped into a vein of opinion across the Union.

An Unclear Job Description

Before the first election, the new position of EU Council President was open to almost endless possibilities. As such, its stature within and outside of the EU was still to be defined. The first person to take the job would thus function as a pathfinder, setting the many boundaries and relationships to other EU institutions and other high level positions. In the coming months, personalities and practice are to fill in much of the blanks left open by the general description as provided in the Lisbon Treaty. That description reads as follows:

- The European Council shall elect its President, by a qualified majority, for a term of two and a half years, renewable once. In the event of an impediment or serious misconduct, the European Council can end the President's term of office in accordance with the same procedure.
- The President of the European Council:
 - shall chair it and drive forward its work;
 - shall ensure 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;
 - shall endeavor to facilitate cohesion and consensus within the European Council, and;
 - shall present a report to the European Parliament after each of the meetings of the European Council.
- The President of the European Council shall, at his level and in that capacity, ensure 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.
- The President of the European Council shall not hold a national office.

Again, these abstract terms obviously left a substantial area open for further negotiation and concrete practice. For example, blanks remained regarding the way the EU Council President would concretely work with the High Representative, the President of the Commission, the national leaders and the remaining rotating presidency. A strong and well-known personality could have shaped the job into constituting the external face of Europe – a strongly political job, as famously envisaged by the apocryphal Kissinger question. A less ambitious figure could emphasize the more technical and organizational aspects of the job. With Van Rompuy, the choice has been for the latter. As he himself preaches, it is unlikely that the post of EU Council President will be one of much extra-European stature; the practice of the EU Council presidency will be one of facilitation, arrangement and chairmanship.

The Selection Process

Up until a month before his election as the first EU Council President, hardly anyone outside of Belgium knew the 62-year old Belgian Prime Minister Van Rompuy. He himself had never sought to be appointed. Also, until shortly before his election, Van Rompuy's alter-image, embodied by the charismatic British former Prime Minister, Tony Blair, had been the most-debated candidate. Then how did Van Rompuy get to be the chosen one?

The Lisbon Treaty aimed to make the mechanisms of the EU more democratic and transparent. The unflattering truth is that the appointment process for the new jobs took place with a substantial level of secrecy and horse-trading behind the scenes. One can only guess at the concrete terms of why Van Rompuy stood out above all the others. Nevertheless, for those familiar with the philosophy and practice of the EU, the negotiation process is easy to imagine. The process is one of bargaining with – and balancing between – a series of totemic factors: nationalities, political affiliations, small and large countries, new and old member states, males and females, and then finding the least worst outcome.

For the EU Council Presidency, the bargaining was constrained by several recent appointments. In September 2009, the Portuguese social-democrat José Manuel Barroso had been re-appointed for another five-year term as European Commission President. Also, in July 2009, the Polish Jerzy Buzek (European People's Party, EPP) had taken up the job of president of the European Parliament for the coming two-and-a-half years. The distribution of several important portfolios in the new Barroso Commission were also to form constraints, or – as shown – possible input for bargains. That the High Representative (“The EU Foreign Minister”) was to be named at the same time as the EU Council President opened up several other possible outcomes for the negotiations.

On the structural side, the Lisbon Treaty provides for the President of the Council to reflect the running sentiment in the European member states and the European Parliament. Thus, the successful candidate should be drawn from a center-right affiliated party. But as mentioned, next to broad calculations of political affiliation, nationalities were to be balanced, as well as the size and geography of the candidate's country. The gender issue should not be forgotten either. And as always, the knowledge of certain languages was an important element to consider. Because, while English is ever more the lingua franca of the Union, in order to satisfy France, fluency in French is an implicit requirement for those eager to obtain high level jobs.

Another element in the selection process – but one that is hard to track and quantify – was the judgment of the *eminence grise* of the EU. The European Commission President Barroso made explicit that the Commission would not accept the idea of a strong Council President. In his eyes, the President of the Council should be a chairperson, limited in extra-Council ambition and powers. Former European Commission President Jacques

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Delors argued in a similar fashion. On the other hand there were outspoken figures, such as the French President Nicolas Sarkozy, advocating for a strong Council President. In Sarkozy's eyes, Europe should get a stronger voice in world affairs – in the form of the intergovernmental Council, not of the supranational Commission. But by offering the French the much-wanted European Commissioner-post of the Internal Market, thus protecting French national economic interests, the French view could be diluted, and the Delors/Barroso-view gained the upper hand.

Thus, a divisive character such as Tony Blair could never be a serious option. Nevertheless, letting go of this candidature opened the way for Britain to get a consolation prize in the form of the High Representative of the Union for Foreign Affairs and Security Policy, a position that went to Lady Catherine Ashton. After satisfying the influential member states with other positions and acting on a lowest common denominator basis, the uncontroversial Herman van Rompuy was the compromise option of choice. He scored highly on the structural elements of importance – including French fluency – and showed himself to be not at all ambitious. As Van Rompuy himself self-deprecatingly joked, apparently a grey mouse was what the EU decision-makers had been looking for.

The Politician Behind the Name

In January 2010, Herman van Rompuy moved into his new office in the European Council's Justus Lipsius building in Brussels. In Belgium, the man has some political stature and Belgian politics let him go only reluctantly as he was handling the long-standing Belgian political crisis rather well (a crisis that threatened to split the Dutch-speaking Northern region of Flanders from the French speaking region of Wallonia). Prior to his short term as Prime Minister, he was President of the lower house of parliament (since 2007) and served as Minister for the Budget (1993-1999). As a trained economist he took a harsh stance on balancing the budget and reducing Belgium's substantial public debt. From 1988 to 1993, Van Rompuy led the Flemish Christian Democratic Party.

In the European context, Van Rompuy only attended two EU summits before becoming Council President. His main international experience of conflict resolution concerned the ongoing dispute between Belgium and Holland about the River Schelde, which is unlikely to ever be resolved. But in his defense, as already touched upon, the member-states desired a coordinator, not an initiator. As such, it is unlikely that the EU Council President will have the last word in global challenges and conflicts. Rather, the main initial trials are to figure out how to overcome some potential internal problems: the interaction between institutions based on the new rules of the game, and the interaction between several high level positions with somewhat overlapping mandates. Here, coordination and consensus are indeed key. The EU got a new position, but achieved a status-quo.

As a person having to deal with these potential intra-institutional difficulties, Van Rompuy seems a fitting character. Van Rompuy is expected to bring calmness, coordination and efficiency into the EU Council's dealings, something much needed now that the negotiation table seats 27 member states – and maybe more to come. On his first visit to Germany, mid-January, the new EU Council President said that he would mainly focus on the economic crisis and climate change, but that his political agenda would not be implemented without the agreement of London, Rome, Paris, Warsaw and Berlin. As he is expected to personally not seek much international standing, he is anticipated to give the first High Representative of the Union for Foreign Affairs and Security Policy, Lady Ashton, enough space to develop her own office.

The Difficulties Behind the Job

In sum, good intentions aimed at a well-functioning new EU structure are certainly there. But in Van Rompuy's own words, results should be valued more than good intentions and emotions. Real obstacles and institutional problems exist and will have to be dealt with concretely.

External representation will especially be an issue, even though Van Rompuy has said not to have any worldly ambitions. Clear divisions of labor exist on paper, but in practice foreign policies and, for example, economic or energy policies, are not always so easily separated. While indeed the High Representative is considered by all to be the main character representing EU Foreign and Security Policy, the Commission has a mandate to take up parts of this job as well, while the President of the European Council shall, “at his level and in that capacity, ensure 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”. Inescapably, there will be a certain amount of overlap to be worked out by Van Rompuy, Lady Ashton and several commissioners – something that a flamboyant character may have resolved more easily.

A related battle to fight is for the goodwill of another institution that is currently being created: the European External Action Service (EEAS) – a European *corps diplomatique*. This entity will oversee Europe's relations with non-EU countries, and will have its hands on Europe's huge aid and humanitarian budget. It will include the already existing 130 Commission Delegations throughout the world, but will now be staffed by civil servants from both the Commission and the EU Council, along with seconded national diplomats. The EEAS will be headed by Catherine Ashton, and as such its primary task is to be at her service. But it will have to assist the EU Council President “there where necessary”. This double function means not only problems of primary loyalty, but also an overhaul in the structures related to crisis management, including military staff and the Joint Situation Centre (SitCen). Plus, it would mean sharing intelligence among more actors than has been done up until now. This might cause the British government a great deal of angst, as this broader intelligence sharing could jeopardize Britain's special intelligence relationship with the US.

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Conclusion

With the ratification of the Lisbon Treaty, the EU witnessed the birth of a more permanent European Council President. Former Belgian Prime Minister Herman van Rompuy received the honor to set the path of this new high level position. He has chosen a modest path. Together with Lady Ashton, the new High Representative, and José Manuel Barroso, he will be forming the external face of Europe in the coming years. Of the three, Van Rompuy is likely to take the least visible profile at the global stage. He is to be the moderator, not the initiator. One can be disappointed about the low level of global EU ambitions his election discloses. But however unsensational, it might well be that his modesty will prove to be a constructive force for a more unified Europe, internally. His consensual approach could contribute to a removal of animosities and disarray built up during the long and painful period of institutional introspection. His words have been living up to this so far, but one has to wait a little bit longer to judge him on his actions.

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