

## 7 Common foreign and security policy

### A political framework for EU external action?

It is my belief that in this global age a Union of our size, with our interests, history and values, has an obligation to assume its share of responsibilities ... The question, therefore, is not *whether* we play a global role, but *how* we play that role.

(Solana 2002: 3, emphasis in original)

These words of Javier Solana, High Representative of the CFSP, reflect a discourse of responsibility associated with recent, dramatic changes in the external context of EU action. The opportunities provided by the ending of the Cold War, and the challenges presented by the post-9/11 security environment, have brought increased demands, both from within the EU and beyond, that the Union should play an enhanced role in international affairs. In order to assume its responsibilities, however, the EU must develop effective political/strategic coordination of its external activities – whether these are in the field of economic policy, environmental negotiations, development cooperation or relations with neighbours. If the potential of its significant presence is to be realized, the economic power of the Union must be articulated to a stronger sense of collective political purpose.

Following the end of the Cold War, introduction of the CFSP (by the TEU in 1993) represented an attempt to provide overall strategic direction for external policy. The 2003 European Security Strategy – *A Secure Europe in a Better World* – has a similar aim; its potential is discussed below. To date, however, achievement of strategic direction has proved elusive. This reflects the singular character of the Union, whose Member States are jealous of their role in the politically sensitive areas of traditional foreign and security policy. In consequence, the inconsistency problems that have been identified as impediments to EU policy-making in previous chapters are particularly acute in relation to CFSP.

Differences in Member State foreign policy priorities reflect a variety of factors, including pre-existing bilateral ties (or antipathies), geographical location and extent of support for a policy stance distinct from that of the USA. Successive enlargements of the EU have tended to exacerbate these differences. Divisions have also long persisted over approaches to decision-making, with (broadly speaking) large Member States preferring intergovernmental methods and smaller Member States advocating a more 'Community' approach. Here, a still unresolved central issue has been the extent to

which the European Commission, with its responsibility for the economic instruments of policy, should be actively involved in decision-making.

Problems of consistency were, of course, starkly revealed by Member State divisions over the 2003 invasion of Iraq. While it is important to note that 'business as usual' continued across all the Union's external policy areas (including CFSP/ESDP) during this period,<sup>1</sup> such highly public disputes over important policy decisions, and the resulting failure to decide, inevitably impinge upon the Union's presence in foreign policy. They also remind us that, despite its title, CFSP cannot be regarded as a common policy in a sense analogous to the Common Commercial Policy; rather it is a highly institutionalized and complex process of consultation and cooperation between Member State governments. Nevertheless, where there is consensus among Member States, effective common action can ensue.

In the CFSP context, problems of coherence are also endemic. Regarded as a specialized and quintessentially political policy area – frequently referred to as 'high politics' – foreign and security policy has traditionally been considered as entirely distinct from the mundane 'low politics' of external economic relations. In practice, of course, this distinction has always been blurred. It is increasingly so today, given the significance of the economic instruments of statecraft and of 'soft', non-military security, where, despite recent developments in the field of ESDP, the Union's principal strengths continue to lie. The evident overlap between the economic and political dimensions of external policy has not, however, been reflected in the creation of institutions that facilitate their coordination. Instead, the evolution of the EC/EU has seen the entrenchment of a division between external economic policy and 'political' foreign policy that has been formally enshrined in the Treaties and reflected in the parallel development, within the Commission and the Council Secretariat, of two separate, externally oriented and potentially competing bureaucracies.

Despite the problems of consistency and coherence so evident in this policy area, there has been a gradual strengthening, over the past two decades, of commitment to and capacity for foreign policy cooperation – to an extent that has 'surprised its participants and critics alike' (Smith, M.E. 2004: 2).<sup>2</sup> While the principal concern of this chapter is with the contemporary operation of CFSP, and its potential to provide strategic direction to external policy, awareness of the distinctive fashion in which this policy area developed is essential to an understanding of contemporary issues. Consequently we provide an overview of the evolution of foreign policy cooperation from its inception to the present (see Table 7.1 for a schematic representation) as a prelude to discussion of contemporary organizational issues and policy instruments. Reference is also made to proposals to strengthen the CFSP, which were prominent in discussions surrounding the Constitutional Treaty. Finally, an assessment is made, in the context of its 'fit' with current policy, of the potential for the European Security Strategy to provide an overarching political framework for the Union's external activities.

#### The early years: absence of 'foreign policy'

The creation of the European Communities following the end of the Second World War, and in the context of increasing Cold War tensions, reflected both the desirability

Table 7.1 CFSP: antecedents and development

1970	Luxembourg Report: established European Political Cooperation (EPC), as an intergovernmental process with no institutional base. Aimed to provide mechanism for foreign policy cooperation/coordination to give political direction to the EC's external relations.
1987	Single European Act: provided treaty basis for EPC, which remained an intergovernmental process between High Contracting Parties. Dedicated EPC Secretariat established in Brussels but not a Community institution — staffed by seconded Member State officials.
1993	Treaty on European Union: CFSP established as intergovernmental pillar of the Union (Pillar II). Provision for Joint Actions and Common Positions. CFSP Secretariat incorporated into Council Secretariat. Commitment of Union to ensure overall consistency of 'external activities'.
1999	Treaty of Amsterdam: Introduced 'Common Strategies' to be determined by European Council. Provided for appointment of High Representative for the CFSP. Policy Planning and Early Warning Unit established in Council Secretariat.
2003	Treaty of Nice: Codified developments in security sphere introduced at 1999 Cologne Council. Established Political and Security Committee comprising Brussels-based national diplomats meeting twice weekly to monitor the development and implementation of CFSP.
2004	Draft Constitutional Treaty signed by all Member States. Provision made for: Foreign Minister to take roles of High Representative and Commissioner for External Relations; creation of External Action Service comprising officials from Council Secretariat, Commission and Member States; elected President, for two and a half year term, renewable once.

of cooperating in the construction of a peaceful and prosperous Western Europe and of seeking, collectively, to recover some of the international influence lost by West European states individually. For much of its history European integration focused upon economic and social matters.

The Treaty of Rome made no reference to orthodox foreign policy issues. Nevertheless the necessity for what became known as EC 'external relations' was acknowledged. The Community was accorded formal legal personality and a further provision of the Rome Treaty empowered the EC to enter into association agreements with third parties. As we have seen in previous chapters, these provisions formed the basis for the Community's evolution as an international actor of some significance — despite the absence of a formal foreign policy role.

By the early 1960s the need to balance the EC's growing significance in external economic relations with an explicit foreign policy dimension became a subject of often contentious discussion. At the centre of this controversy was the extent to which the Commission should be involved in the formulation of foreign policy, with intergovernmentalists, led by French Gaullists, strongly opposed to any Commission involvement.<sup>3</sup> The issue was (temporarily) resolved with the adoption of the 1969 Luxembourg Report, which recommended establishment of a system of foreign policy cooperation on an intergovernmental basis, operating entirely outside the EC framework. No new institutional structure was proposed and the ensuing system of

European Political Cooperation (EPC) initially lacked even a dedicated secretariat. Since many of the problems arising from the operation of EPC remain evident today, it is worth examining its development.

### European political cooperation

EPC aimed to increase understanding between Member States on foreign policy issues through regularly informing and consulting partners, and to strengthen solidarity through harmonization of views, coordination of policy positions and, where possible or desirable, joint action. Thus EPC involved regular consultation and formal quarterly meetings between national Foreign Ministers, supported by a Political Committee, comprising Political Directors (senior Foreign Ministry officials) representing each Member State, and a range of specialist Working Groups composed of Foreign Ministry officials. Cooperation between Member State missions in third countries was also encouraged. Formal external representation was provided by the Presidency, supported, from the mid-1970s when the onerousness of the responsibility became apparent, by the immediate past and future Presidencies, in what became known as the Troika.<sup>4</sup> Thus EPC comprised highly formalized, multi-level, intergovernmental cooperation.

Administrative support was provided by the country holding the Presidency and, in order to emphasize the distinctiveness of this policy area, all meetings took place in the capital of the Presidency country. This placed a heavy burden on national officials and also caused problems of continuity arising from the inability to establish a collective, institutional memory. Consequently, by the late 1970s, the practice had evolved of seconding national officials to assist successive Presidencies. While this afforded useful experience in working cooperatively, on a daily basis, with counterparts from other Member States, the peripatetic nature of the EPC process remained an impediment to its effectiveness. As Simon Nuttall observes (1992: 20): 'The fact that EPC archives had to be carried halfway across Europe in a suitcase every six months gave rise to particularly unfavourable comment'. A secretariat for the EPC was established in Brussels only following entry into force of the SEA.

Despite the formal separation between the EC and EPC, which the SEA maintained, the practical development of policy had, from the outset, impinged upon EC competences — necessitating liaison between EPC personnel and the Commission. Indeed it is difficult to identify a policy area discussed in EPC which did not impinge upon EC matters. The very first EPC Ministerial Meeting, in November 1970, had as agenda items East/West relations and the Middle East. Policy in both these areas impinged upon EC competences and, ultimately, Commission involvement was significant. At this first meeting, however, the Commission delegation was, with reluctance, admitted to the last hour of the day-long meeting.

The EPC/EC relationship was a source of considerable tension in the early years, with Member State diplomats '... at best inclined to treat the Commission with the high courtesy of condescension' (Nuttall 1996: 130). Following a decade of *ad hoc* arrangements to accommodate Commission involvement in those frequent circumstances where EC and EPC matters overlapped, and where EC instruments were essential to policy implementation, it was agreed, in 1981, that the Commission

should be 'fully associated' with EPC at all levels. This formula, which has persisted, permitted attendance of Commission representatives at all EPC meetings. Moreover, in 1983, in recognition of its role in external policy, the Commission's participation in the Troika was agreed by Member States. There was, thus, a gradual evolution of the EPC/Commission relationship after its inauspicious beginning.

More generally, in the fifteen years which separated the Luxembourg Report and the SEA, the EPC process became established and largely accepted practice. Consultation between Foreign Office ministers and officials of the Member States became routine at all levels, the Coreu telex system which directly linked EC Foreign Ministries facilitating instantaneous communication.<sup>5</sup> While this level of interaction fostered habits of cooperation, the more ambitious aims of policy coordination and joint action produced a mixed record.

The EPC process proved successful as a source of declaratory statements deploring/welcoming developments upon which Member States were agreed, but initiatives that progressed beyond the routine and declaratory were relatively rare. Nevertheless, some successes can be identified, particularly in the context of the Conference on Security and Cooperation in Europe (CSCE).<sup>6</sup> This process of East/West consultation, which commenced in 1973, provided an opportunity to test the new EPC mechanisms. From the outset the Member States presented joint positions and played a proactive role in the ongoing construction of East/West dialogue. In relation to the Middle East conflict, too, a distinctive posture was adopted. Thus, through its 1980 Venice Declaration, the Community argued for the creation of a Palestinian state alongside the state of Israel. This first articulation of the now accepted 'two state solution' was initially greeted with outrage by both the US and Israeli governments. The EC/EU has subsequently shown remarkable consistency in its position on the Israeli-Palestinian conflict (Asseburg 2003: 183).

Thus EPC gradually developed into an institutionalized system of foreign policy cooperation that functioned best when dealing with routine matters. At times of crisis, however, there was a tendency to disarray. The end of the Cold War heralded a series of crises that highlighted the shortcomings of EPC. It also initiated a policy environment dramatically different from that in which EPC had operated. Thus, in circumstances where US commitment to the Atlantic Alliance was in question, and amidst fears of political instability in Eastern Europe and the Balkans, expectations were growing that the EC would in future play a central role in maintaining peace and stability in Europe as a whole.<sup>7</sup>

It was in this context that an Intergovernmental Conference (IGC) on Political Union was established, in 1990, charged with transforming EPC into a foreign policy system capable of meeting post-Cold War challenges. Throughout its year-long deliberations the urgency of the IGC's task was constantly demonstrated, whether in the need to forge new relationships with CEE countries, respond to the (August 1990) invasion of Kuwait by Iraq or manage the outbreak of armed conflict in (then) Yugoslavia. These two latter crises, despite rapid and coherent EC responses in their initial stages, very quickly demonstrated the inadequacies of the EPC format – both in terms of Member State unity and access to policy instruments.<sup>8</sup> The conflict in Yugoslavia was of particular importance since there was widespread acceptance that,

in this European conflict, the EC should play the role of mediator. However, EC officials proved to be inexperienced mediators, while the usefulness (and safety) of EC unarmed monitors was called into question as the conflict escalated. By early 1992 EC monitors were relieved to be joined by UN peacekeepers.

### CFSP: the TEU and its subsequent amendments

The events of 1990–1 fuelled expectations that the IGC's conclusions, enshrined in the TEU (signed in 1991 and in force in 1993) would create the conditions for proactive foreign policy-making – that is, provision of strategic direction, greater overall policy coherence and assured access to policy instruments.

In practice the TEU proved disappointing. While provision was made for two new policy instruments – Joint Actions and Common Positions<sup>9</sup> – in terms of strategic direction the objectives of CFSP were very broadly stated (in TEU Title V):

to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter,

to strengthen the security of the Union in all ways,

to preserve peace and strengthen international security ...

to promote international cooperation,

to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

These objectives reflect the implicit guiding principles of EPC – a common desire, through sharing of information, to protect the Union from negative external influences, and to develop, where appropriate, a foreign policy posture distinct from that of the USA. They also reflect enduring themes that have contributed to constructions of the Union as a value-based actor – commitment to multilateralism, in particular through the United Nations, and promotion externally of the values purportedly embraced internally.

While these broad objectives fall short of providing strategic direction, there is no doubt that they have been pursued, in a general sense, in the course of the Union's external activities. Thus, for example, all Cooperation and Association Agreements concluded since entry into force of the TEU contain 'political conditionality' clauses, which provide for suspension of all or part of the agreement in the event of non-fulfilment of 'good governance', human rights and other obligations.<sup>10</sup>

Within the framework of the TEU's overarching objectives, the European Council was accorded responsibility for providing the 'general political guidelines' of the Union. The European Council accordingly identified five initial priority areas for CFSP action – relations with CEEC, support for the Middle East peace process, conflict resolution and humanitarian relief efforts in former Yugoslavia, and support for democratic processes in South Africa and Russia.<sup>11</sup> Subsequently the scope of

Joint Actions has expanded considerably, with early additions including arms control, nuclear non-proliferation and response to conflict in the Great Lakes region of Africa.<sup>12</sup> However, the absence of an overarching strategy ensured that, as in the past, CFSP remained largely reactive to external events. Moreover, beyond the understandable prioritization of relations with the Eastern and Southern peripheries, policy choices continued to be influenced by historical ties with former colonies, particularly in Africa.

From the outset it was evident that furtherance of the political aims of CFSP would rely, to a considerable extent, upon economic presence and Community policy instruments. Despite this, the TEU did not address the problem of coherence; indeed it further consolidated the structural division between CFSP and other aspects of external policy. Thus, the Union's 'pillar' structure ensured that only Pillar I (the EC) was subject to the Community method of decision-making. The two new pillars, CFSP (Pillar II) and Justice and Home Affairs (Pillar III) were strictly intergovernmental and subject to unanimity in the Council. Nevertheless, the importance of ensuring effective cross-pillar coordination of external activities was recognized in the TEU, and the Council and Commission were accorded joint responsibility in this respect.<sup>13</sup> While this may appear to provide an enhanced role for the Commission in CFSP, in practice the EPC formula that the Commission is 'fully associated' was maintained. Commission representatives may make policy proposals, although they rarely choose to do so, but have no special right of initiative. In the event, the ability to use economic policy instruments has reflected growing habits of cooperation – despite the bifurcated institutional structure created by the TEU.<sup>14</sup>

In relation to policy instruments, the policy environment of the period was reflected in the TEU's only significant innovation, which aimed to provide the Union with access to military capability. While reference to military security in the TEU represented an important departure from the exclusively civilian character of the European Community, and the essentially political nature of EPC, the TEU was silent on the many complex and sensitive issues that needed to be addressed in order to put the proposals into effect. These matters are the subject of Chapter 8.

#### *Making the CFSP work? The Amsterdam and Nice amendments*

As was the case with EPC, the CFSP provisions of the TEU have been subject to evolution through practice and subsequent Treaty amendment. After only two years of the CFSP's operation both the Council and the Commission published reports expressing disappointment at the failure to progress towards a more proactive and coherent external policy (Council 1995; Commission 1995b). Clearly CFSP did not represent the major change from EPC anticipated by its proponents.

The Treaty of Amsterdam (signed 1997, in force 1999) introduced important reforms intended to provide political direction and to increase the effectiveness and visibility of CFSP, while the Nice Treaty (signed 2000, in force 2003) codified developments since 1999, primarily in relation to matters of security. The CFSP provisions of both Treaties had the effect of amending the TEU. While these changes reflected experience in operating the CFSP since 1993, and frustration at the inability of the

Union to respond effectively to the 1999 Kosovo crisis, they did not address problems of cross-pillar coherence.

#### *Innovations at Amsterdam*

In an attempt to provide political direction at the highest level, the Amsterdam Treaty gave the European Council an explicit strategic role – to 'decide on common strategies to be implemented by the Union in areas where the Member States have important interests in common' (TEU Article 13). Common Strategies are explicitly cross-pillar in orientation. They bring together all the policy instruments available to the Union and (potentially) provide a framework for subsequent action. However, they have been used, primarily, as a means of combining and codifying existing commitments in order to symbolize the importance the Union attaches to relations with key neighbouring countries and regions – Russia, Ukraine, the Mediterranean and the Western Balkans. In short, they have significance as political statements rather than guides to action.

To encourage a more proactive approach to CFSP matters, it was envisaged that measures to implement a unanimously agreed Common Strategy would be subject to qualified majority voting. In practice, however, Member State sensitivities over foreign policy matters have precluded use of QMV.<sup>15</sup> Introduction of a 'constructive abstention' procedure was also intended to remove impediments to proactive policy development, but again this provision has not been used.<sup>16</sup> Clearly Member State commitment, in principle, to enhancing the effectiveness of CFSP decision-making was not translated into practice.

In terms of effectiveness, and visibility, the most important innovation of the Amsterdam Treaty was the creation of a new post – Secretary-General of the Council/ High Representative for the CFSP.<sup>17</sup> The functions of the High Representative were defined in the Treaty in very general terms and much depended upon the ability of the first incumbent to develop this role.<sup>18</sup> Here, the appointment of Javier Solana, who was previously Foreign Minister of Spain and at the time was Secretary-General of NATO,<sup>19</sup> demonstrated increased commitment to strengthen the CFSP. 'The Member States consciously chose a senior politician rather than a senior diplomat for the role of High Representative' (Interview, Council Secretariat, July 2001).

Javier Solana brought to his new role considerable experience, political acumen and (from his incumbency at NATO) excellent connections with key politicians in Member States and the USA. Said to have 'a brain the size of the planet' (Interview, Permanent Representation, October 2002), he also brought a political style based upon ease in building personal relationships, a related preference for informal contacts and impatience with bureaucracy. While these qualities have proved a necessary antidote to the excessive bureaucratization of CFSP processes, he was initially impeded by lack of knowledge of their operation and the reluctance of Member State governments (particularly in the context of the Presidency) to allow their high-profile appointee to act independently. After almost two years in office, when he had begun to achieve diplomatic success in the Balkans, he was likened to 'a dog on the end of a lead, over time the lead has been let out but it is still there and could be pulled up at any time' (Interview, Council Secretariat, July 2001).

The establishment of the post of High Representative was coupled with reform of the Troika arrangements for formal diplomatic representation of the Union (originally involving present, past and future Presidencies). Thus the Amsterdam Treaty provided for a 'Troika' comprising up to four members – the Presidency, the future Presidency, the High Representative and a representative of the Commission.<sup>20</sup>

A further innovation at Amsterdam was the creation of a Policy Planning and Early Warning Unit (PPEWU) within the General Secretariat of the Council. Neither the tasks nor the composition of the unit were made clear, however. After some deliberation it was decided that it would comprise one seconded diplomat from each Member State, four members of the Council Secretariat and a single Commission representative. In terms of the Unit's role, however, there was little guidance from the Member States – 'there was an obsession with whether each Member State would get someone on it rather than what it might do' (Interview, Council Secretariat, July 2001). The result was that the PPEWU became 'Solana's tool' – used by him as an 'extended cabinet' to provide 'day-to-day briefings' rather than fulfil the more strategic policy role that its title would imply (*ibid.*). In consequence there was said to be 'disappointment and dissatisfaction' among some members of the Unit (Interview, PPEWU, July 2001).

The principal outcomes of the Amsterdam reforms were development of a strong role for the High Representative and an enhanced role for the Council Secretariat – thus ensuring further consolidation of the intergovernmental character of CFSP. No substantive change was made to the role of the Commission and financing for CFSP was the only cross-pillar issue to be addressed by the Amsterdam Treaty (TEU Article 28).<sup>21</sup> The purpose of this provision, however, was to speed disbursement of funds from the Community budget for essentially intergovernmental CFSP operations (excluding those having military implications, as we shall see in Chapter 8). Previously, funding decisions had been made on a case-by-case basis and the resulting delays had proved inconvenient and embarrassing. Thus, for example, Special Representatives appointed by the Council had, on occasion, been obliged personally to bear the cost of travelling to take up their appointments (Interview, Council Secretariat DGE, July 1997).

### *The Nice Treaty*

CFSP matters were not a central concern of the Nice Treaty. Nevertheless the opportunity was taken to codify provisions initially launched at the 1999 Cologne Council. These were primarily in the field of ESDP and will be discussed in Chapter 8. An important innovation that spans CFSP and ESDP matters, however, was the creation of a new intergovernmental structure, the Political and Security Committee (PSC).

The PSC effectively replaced the Political Committee, which had operated since the early days of EPC and comprised national Political Directors meeting monthly. While the PSC meets biannually at Political Director level, its normal operation is at the level of Brussels-based Ambassadors or Political Counsellors.<sup>22</sup> Meetings are chaired by the Presidency representative and occur at least twice-weekly. Their purpose is to

monitor the development and implementation of CFSP/ESDP. When necessary, additional meetings can be called at short notice.<sup>23</sup>

### **CFSP: Operational structures**

To give effect to the CFSP, changes were required both in Council structures in Pillar II and in the Community Pillar. Below we provide an overview of the current institutional framework of CFSP and the associated problems of consistency and coherence. Finally, in this section, we consider outstanding problem areas and the potential for further reform.

#### *Pillar II structures and procedures*

In creating the Union's Pillar structure the TEU further institutionalized the intergovernmental character of foreign and security policy. This had the effect of entrenching the roles of the Presidency, the Council and related bodies at the apex of the CFSP system.

At the highest level, the Presidency, through its role in preparing the agenda for and chairing the European Council, is central to policy prioritization and initiation. The Presidency also chairs all intergovernmental CFSP/ESDP bodies, with the exception of the Military Committee.<sup>24</sup> Despite the structural advantages of this role, in practice the ability of Presidencies to influence policy varies considerably. This can reflect limited resources and/or foreign policy ambitions in the case of small Member States such as Luxembourg, or the eruption of a major crisis that diverts attention away from the Presidency's agenda during its six month term of office. Nevertheless, in the context of ongoing policy commitments, Presidencies can and do prioritize regions or issues in which they have a particular interest. Thus Southern Member States tend to emphasize the Mediterranean region, Finland has successfully prioritized relations with Russia, and Sweden, equally successfully, prioritized civilian aspects of crisis management.<sup>25</sup> Such prioritization, however, can only be achieved if consensus is reached between the Member States. The ability to gather support for its agenda is central to a successful Presidency.

The European Council, which normally meets twice during each Presidency, is subject to unanimity in exercising its 'guiding role' – thus ensuring that the operation of CFSP/ESDP is restricted to issues and regions where Member State positions are consistent. This is reflected in the current priorities of CFSP. These are, in terms of regions, the Western Balkans, relations with 'Neighbours' and the Middle East Peace Process; and, in terms of issues, conflict prevention, the fight against terrorism, weapons proliferation and human rights issues, in particular support for the International Criminal Court (Council of the EU 2003).

In the context of 'guiding principles' established by the European Council, the General Affairs and External Relations Council (GAERC) constitutes the next, more operational, level of CFSP decision-making. This formation of the Council was adapted (from its single, General Affairs format) in 2002 to accommodate separate External Relations meetings, with the aim of enhancing the efficiency of decision-making and

the coherence of policy. Despite the reluctance of Member States to use the title 'Foreign Affairs Council', creation of the GAERC represents a further step in the evolution of EU foreign policy-making. In its External Relations format the Council deals with CFSP, ESDP, external trade and development cooperation, and can involve Member State Foreign Ministers and/or Ministers of Defence, Development or Trade, depending upon the items on the agenda.<sup>26</sup> While GAERC decisions on implementing measures, such as appointment of Special Representatives, may be taken by QMV, Member States prefer to decide all CFSP matters by consensus.

Below the level of the Council, an array of bodies is involved with the CFSP policy process. Foremost among these is the Political and Security Committee, comprising Brussels-based Member State diplomats. The PSC has day-to-day responsibility for monitoring the operation of CFSP/ESDP and has become the 'hub around which CFSP revolves' (Cameron 2003: 3). While the PSC submits reports to the Council, these must formally be transmitted through the Committee of Permanent Representatives (COREPER), comprising Member State Ambassadors to the EU. COREPER itself deals with Pillar I matters, but is responsible for all material discussed by the Council. This can be a source of tension. COREPER Ambassadors are resentful of the growing importance of the PSC, which is 'thought to deal with more interesting issues – *not* anti-dumping' (Interview, UK Permanent Representation, October 2004). Potentially, tensions between the PSC and COREPER can impede effective communication between the PSC and the Council.<sup>27</sup> Nevertheless the PSC brought a new sense of dynamism to the CFSP.

The minutiae of CFSP policy are discussed at the level of Council Working Groups, which report to the PSC. While the numerous Working Groups are staffed by specialist Member State officials based in capitals, the increased frequency of Working Group meetings following the introduction of CFSP obliged participants to spend more time in Brussels (Interview, Permanent Representation, July 2001).<sup>28</sup> In the past, Working Group reports tended to be excessively long and lacking in substance (a practice established in EPC days).<sup>29</sup> However, as it became established, the PSC was able to give firmer guidance to Working Groups, hence encouraging them to produce more focused analysis (*ibid.*).

All of these intergovernmental bodies, from the Presidency to the Working Groups, are serviced by DGE (Directorate-General External Relations) of the Council General Secretariat. The character of DGE has changed very considerably since the creation of CFSP. In 1994 the existing EPC Secretariat was incorporated into DGE, bringing together CFSP officials (both temporarily seconded Member State representatives and permanent Secretariat staff) with officials responsible for external economic relations.<sup>30</sup> DGE has subsequently been augmented by a third element, the EU Military Staff. The activities of those dealing with CFSP/ESDP are divided between three broad areas – policy, operations and 'other instruments', that is civil aspects of crisis management and economic sanctions. Since the complexities of the organizational structures are apparent only when ESDP is included, these matters are considered more fully in Chapter 8.

The appointment of the Secretary-General/High Representative and creation of the Policy Planning and Early Warning Unit, in 1999, considerably strengthened the

policy orientation of the Council Secretariat. However, it also brought new tensions, with DGE staff, the PPU and Solana's cabinet all having overlapping and insufficiently defined responsibilities for furnishing the High Representative with information and advice. Amidst the admiration for Solana expressed by all our interviewees, a single (frequently voiced) criticism concerned his reluctance to address these matters, and hence to realize the potential of Council Secretariat staff. While tensions within the Secretariat have abated over time, a consequence has been that DGE staff tend to focus upon servicing the Council, while the PPU works for Solana. Since Solana's own role is to 'assist the Council' in CFSP matters, this is hardly an efficient way of dividing responsibilities among Secretariat staff.

Even if these 'turf' issues were fully resolved, the resources available within the Council Secretariat, in terms of personnel and information, are meagre when compared with those of the foreign ministries of many Member States. Hence there continues to be reliance upon information provided by national ministries, through seconded diplomats and the Coreu system. The quality of information supplied by Member States is variable, however, and there is a general reluctance to share information considered sensitive. Information is also received from the Commission delegations, but again this is of variable quality. Delegation staff are technical experts rather than diplomats and the political content of their reporting is 'very weak'. The focus is 'first on trade, second on aid and only third on CFSP' (Interview, DG External Relations, July 2001).

Despite the inadequacies of the support available to him, Javier Solana, as we have seen, has been successful in developing his role as High Representative. An important aspect of this role, given the ephemeral nature of the rotating Presidency, is to provide the Union with continuity of representation and sustained diplomacy. In this respect, the High Representative strengthens the ability of the Council Secretariat to provide CFSP with the continuity and institutional memory that were lacking under EPC.

### *CFSP in the Community Pillar*

The creation of CFSP also instigated structural change in the Commission, initially through the creation of a new Directorate-General IA (DGIA), which was given responsibility for CFSP, relations with Eastern Europe and the NIS, and management of the Commission delegations. At this time the Community's external relations effort was fragmented geographically, and policy coherence difficult to achieve (see Table 0.1).

The Prodi Commission (1999–2004) initiated far-reaching reforms, which were retained by its successor. Central to these reforms was the creation of DG External Relations, which was given responsibility both for CFSP and for coordination of relations with third countries. This role is challenged, however, by the continuing importance of DG Trade, which has established country desks to rival those of DG External Relations. Moreover, some geographical fragmentation remains, with DG Development having responsibility for the ACP (but not developing countries in Asia and Latin America) and DG Enlargement having responsibility for candidate countries, which are thus separated from countries covered by the European

Neighbourhood Policy.<sup>31</sup> While the coherence problems caused by these divisions are of great importance to EC policy areas such as development cooperation, they also have significance for CFSP, for example in efforts to 'mainstream' conflict prevention measures across all areas of the Commission's external activity (Interview, Commission, DG External Relations, July 2001). In relation to policy implementation more broadly, whether in the administration of aid or the imposition of economic sanctions, the policy instruments employed in furtherance of CFSP fall within Community competence. Effective implementation requires institutional coherence. However, despite the expectation that coherence would be enhanced by the creation of DG External Relations, it was evident from our interviews that tensions between DGs remain; and that staff morale in externally oriented DGs was not high. While this was primarily a consequence of frequent, poorly managed reorganization, among staff involved with CFSP it was associated also with concerns about the growing marginalization of the Commission as Council structures increased in importance (*ibid.*).

#### *Issues of consistency and cross-pillar coherence*

Due to the sensitive nature of CFSP, problems of consistency and coherence are particularly acute. Most Member State governments are determined to retain their independence in matters of foreign and security policy, and to ensure that the more supranational Community institutions, in particular the Commission, are distanced from CFSP processes.

#### *Consistency*

The intergovernmental nature of CFSP, and the failure of Member States to utilize the provisions for QMV or constructive abstention, ensures that consistency is a key issue. While many differences of emphasis can be observed,<sup>32</sup> of greatest importance are long established divisions between Atlanticist Member States such as the UK, the Netherlands and Portugal and those, led by France, which advocate an independent EU posture. Important, too, are divisions about the relative importance of civilian and military instruments of policy, with the neutral Member States determined that the former shall not be neglected in favour of the latter.

A further source of tension concerns the relative influence of large and small Member States. The practice has grown for groupings of large member states to meet outside the formal CFSP procedures (and also in the context of Pillar III matters) to discuss and on occasion to implement policy initiatives. The groupings vary, but typically comprise 'the G3' (France, Germany and the UK), 'G4', with Italy in addition, and 'G5' including Spain. Such groupings comprised exclusively of EU Member States are more or less tolerated by those excluded.<sup>33</sup> Meetings including non-members have been looked upon less favourably, however. In particular the operation of an informal *directoire*, known as 'the Quint', comprising the four largest Member States and the USA, was greatly resented by smaller Member States. The Quint developed from the establishment, in 1994, of the Contact Group for former Yugoslavia

(comprising the USA, Russia, France, Germany, Italy and the UK) and continued, with the exclusion of Russia, to discuss CFSP matters informally outside the EU framework (Gegout 2002). While it may be inevitable that larger Member States will play important roles in CFSP and ESDP matters, it is noteworthy that the group formed in 2000 in relation to the Middle East Peace Process (known as the Quartet) comprises Russia, the USA, the UN and the EU. In contrast with the Contact Group arrangements, this marks an important external acknowledgement of the role of the Union in international affairs.

Since, in principle, unanimity is more difficult to achieve as the number and diversity of participants expands, it is possible that the 2004 enlargement will increase the consistency problems already evident in relation to CFSP. It should be noted, however, that during the pre-accession period candidates were invited to align themselves with CFSP decisions and actions, and did so progressively from 1994. Thus habits of cooperation were established prior to accession (Regelsberger 2003).

It is evident, nevertheless, that CEEC Member States bring to CFSP concerns that could impact, in particular, upon relations with neighbours – notably scepticism of the Union's attempt to build a 'strategic partnership' with Russia, support for enhanced relations with Ukraine and a strong preference for prioritizing Eastern over Southern neighbours. However, the first priority of CFSP – stabilization of the Western Balkans – is strongly supported by CEEC governments, with Slovenia said to be making a 'very positive contribution ... they have good intelligence and are sharing it' (Interview, Council Secretariat, September 2004). CEEC governments, on balance, also bring a preference for intergovernmentalism and close relations with the USA. However, this latter is not fully shared by CEEC publics (Commission 2003a) and may be tempered, over time, by the socialization effects of CFSP participation.

Cyprus and Malta also have a distinctive stance on some issues. Thus, as members of the Non-Aligned Movement, they have a commitment to development cooperation and strongly support decolonization and self-determination of peoples. On security issues they are likely to adopt a posture similar to that of the neutral Member States (Johansson-Nogués 2004). In addition, accession of (Greek) Cyprus while the island remains divided is a source of problems in specific areas, such as relations with Turkey and with Northern Cyprus.<sup>34</sup>

#### *Coherence*

In the context of CFSP, coherence problems are greatly exacerbated by the need for cross-pillar coordination – which is essential if the Community's policy instruments, and Community funding, are to be used to further the political aims of CFSP.

The formula that the Commission is 'fully associated' with CFSP ensures that it is represented at meetings of CFSP institutions at all levels, from the European Council to the Working Groups. Thus the Commission President attends the European Council and the Commissioner for External Relations attends the GAERC. Commission attendance (by the Director of the CFSP Unit in DG External Relations) at the twice-weekly meetings of the PSC is said to facilitate coordination between CFSP initiatives and matters falling within Community competence, such as delivery of

humanitarian assistance and support for the development of civil society. It is also considered helpful to have 'at the table' representatives of the Community, as the principal source of funding (Interview, Commission, DG External Relations, July 2001). Nevertheless, the Commission had amassed more than thirty years' experience of conducting external economic relations prior to the inauguration of CFSP, and lingering jealousy of its prerogatives in this field is understandable.

In CFSP matters the Commission does not enjoy the exclusive right of initiative that pertains in Pillar I, although it has the right, alongside the Member States, to put forward policy initiatives. In practice, despite the importance of the policy instruments it controls, the Commission has chosen, 'to the regret of many', not to use this right (Cameron 2003: 3).<sup>35</sup> The Commission's reticence in this respect reflects both awareness of Member State sensitivities and resentment at its relative marginalization in the context of CFSP.

A further area of potential cross-pillar tension involves the role of High Representative for the CFSP, which appears to overlap with that of the new Commissioner for External Relations. In practice, however, the first incumbents (Javier Solana and Chris Patten) established a good working relationship, based on a mutual desire to 'get things to work' (Interview, Council Secretariat DGE, July 2001). The practices that have evolved since 2000 are considered likely to continue now that Chris Patten has been succeeded as Commissioner by Benita Ferrero-Waldner (Interview, Council Secretariat, March 2005). Cooperation between Solana and Patten undoubtedly assisted CFSP implementation, for example in the Macedonian crisis in 2001, where Solana's diplomatic efforts were closely supported by Chris Patten and financial assistance was made available through the Community's Rapid Reaction Mechanism (RRM) adopted early in 2001.<sup>36</sup>

While high-level cooperation is inadequate to ensure fully effective policy implementation, it was evident from our interviews that habits of cross-pillar cooperation have developed between officials at all levels, frequently based on networks of informal contacts. This is indicative of cultural and generational change, as practices evolve and shared understandings are constructed. Not only are these understandings evident from everyday practice, they are also reflected in legal provisions dealing with cross-pillar issues such as economic sanctions and the sale of dual-use goods (Kourtrakos 2001).

In new areas of policy, where practices and understandings have yet to be constructed, cross-pillar tensions continue to arise. A problem area has been the Union's response to civil emergencies, where the Commission has long established responsibilities. The European Neighbourhood Policy provides a further example of cross-pillar tensions in a new policy area. While formal responsibility for the ENP lies with the Commission, it links economic development with security concerns, cross-border crime, democratization and human rights. In March 2005 the appointment of a CFSP Special Representative to Moldova, primarily in the context of conflict over the disputed region of Transnistria, was met with Commission insistence that the person appointed should not be involved in implementation of Moldova's recently agreed ENP Action Plan. The issue was resolved through negotiation of a compromise mandate, which states that the Special

Representative will deal only with 'relevant aspects' of the ENP (*European Voice*, 10–16 March 2005).

It is evident that, despite institutionalization of cross-pillar cooperation in some areas, the aims of CFSP cannot be realized in the absence of assured, well functioning links between the making of policy and its implementation. If the CFSP is to provide more effective political direction, there is a need for further reform.

#### *Future reform?*

As we have seen, the Union's capacity for foreign policy-making has evolved and strengthened over time. Nevertheless, a number of problems remain. Principal among these are impediments to policy coherence (in particular cross-pillar coordination) and insufficient continuity, in terms of strategic direction, as a consequence, *inter alia*, of the six-monthly rotating Presidency. These matters were among those addressed by the Convention on the future of Europe, and the provisions contained in the draft Constitutional Treaty, which was approved by the Member State governments in June 2004, provide a starting point for debate about future reform.

To enhance continuity, the Constitution provided for an elected President of the European Council (Article I-22).<sup>37</sup> Two provisions of the Treaty would (partially) address problems of policy coherence. First, removal of the pillar structure, with a single Title covering most aspects of the Union's 'External Action' – that is CFSP, ESDP, international trade, development cooperation, and other forms of economic and humanitarian assistance (Title V).<sup>38</sup> It should be noted, however, that voting procedures in the Council would, as at present, vary by policy area, with unanimity still required for CFSP/ESDP matters. Second, the post of CFSP High Representative is replaced by that of Union Minister for Foreign Affairs. The incumbent would also be a Vice-President of the Commission, and would be responsible for ensuring the consistency and coherence of the Union's external action (Article I.40–1).<sup>39</sup> A European External Action Service (effectively a foreign ministry), comprising officials from the Council Secretariat and the Commission, together with seconded staff from Member State diplomatic services, would support the Foreign Minister. The external delegations, which are currently an exclusive responsibility of the Commission, were also to become part of the External Action Service.

As with previous treaties, the Constitutional Treaty provides little detail concerning the practical operation of the proposed arrangements for CFSP. Experience suggests, however, that changes of the magnitude proposed would be likely, initially, to exacerbate existing inter-institutional tensions. Anxiety among Commission and Council Secretariat staff was evident from our interviews, particularly in relation to the composition and location of the External Action Service.<sup>40</sup> The dual role of the Foreign Minister/Commission Vice-President was also a matter of concern – 'He will be double-hatted, how will he tilt?'. Commission officials fear that his approach will be 'foreign policy led' – that he will 'represent the Council and ensure that Commission resources are available' (Interview, Council Secretariat DGE, October 2004).<sup>41</sup> Javier Solana himself was originally opposed to the idea of a dual role but was subsequently said to be enthusiastic about the opportunities provided (Interview, Council Secretariat, September 2004).



A further area of potential tension concerns the relative functions of the President and the Foreign Minister, where again the Treaty gives little guidance. As previously, much would depend upon the commitment, good will and personal qualities of the incumbents and, more broadly, those responsible for the operation of the new institutions and procedures.

The reforms proposed in the draft Constitutional Treaty are the subject of continuing debate. Ultimately, further strengthening of the CFSP is contingent upon the commitment of Member State governments, not only to amending the treaties but also to fully utilizing the procedures and institutions thus provided.

### CFSP: policy instruments

The singular character of the CFSP is reflected in the elaboration of treaty-based policy instruments that are intended to provide a framework for coordination of Member States' foreign policies. The TEU (Articles 13–15) provides for:

Common Strategies, determined by the European Council and intended to provide an overall, cross-pillar approach towards a country or region.

Joint Actions, used to 'address specific situations where operational action by the Union is deemed to be required', such as imposition of economic sanctions or appointment of a Special Representative.

Common Positions, intended to 'define the approach of the Union to a particular matter of a geographical or thematic nature' and used to promote consistency between Member State policies.<sup>42</sup>

Within the framework provided by these (sometimes indistinct and overlapping) legal instruments, the Union employs the traditional tools of foreign policy – that is, diplomacy, economic measures (incentives or sanctions) and use of military means. Since Chapter 8 deals specifically with military and policing matters, we discuss here only diplomatic and economic instruments of policy.

### Diplomacy

Diplomatic instruments employed by the Union include Declarations welcoming or deploring developments in international affairs, which are produced almost daily,<sup>43</sup> formal *démarches* by Troika representatives, conduct of political dialogue and appointment of Special Representatives and election monitors.

In 2002 numerous *démarches* (489) were undertaken, of which almost half concerned human rights issues, in particular to protest at uses of the death penalty and to encourage support for the International Criminal Court (Council of the EU 2003).<sup>44</sup> EU *démarches* were used to good effect following the terrorist attacks of 9/11 when, in October 2001, visits were made to Washington, Moscow, Iran, Saudi Arabia, Egypt and Syria to coordinate support for measures to combat terrorism.

While it is difficult to assess the impact of this considerable activity, Javier Solana is said to find the formal, and formulaic, activities of the Troika frustrating. 'He

genuinely believes that the product of formal visits is less than he can achieve informally on his own' (Interview, Council Secretariat, July 2001). Certainly Solana's involvement has been decisive on several occasions in the Balkans, most notably in negotiating the 2001 Ohrid Framework Agreement that ended armed conflict in Macedonia, and the 2002 Belgrade Agreement that provided for new constitutional arrangements between Serbia and Montenegro. Subsequently, in Ukraine, Solana played an important role in defusing the crisis that followed flawed Presidential elections in late 2004.

'Political dialogue' is a further aspect of EU diplomacy that can be somewhat formulaic. The insertion of provisions for political dialogue in the Union's association or partnership agreements with third countries (see Chapters 5 and 6) enables issues prioritized by CFSP, from human rights to weapons proliferation, to be discussed at regular meetings, at levels ranging from head of state/government to technical expert. Political dialogue is also conducted with non-associated countries and regions where the Union has established special relations – including, amongst others, the USA, Canada, Japan, China, Australia, Iran, ASEM, the Andean Community and the Gulf Cooperation Council. The frequency and intensity of political dialogue varies considerably.<sup>45</sup> According to one participant who has experienced the confusion sometimes caused by the Union's four-member 'Troika', there can be 'more negotiation with the host country over seats for the EU delegation than over the substance of the agenda' (Cameron 2002: 7).

In order to facilitate policy implementation on the ground, the practice has become established of deploying EU Special Representatives (EUSR) to areas of concern to the EU. The EUSR's presence symbolizes the Union's commitment, while facilitating sustained diplomacy in support of conflict resolution and transmission of locally gained information to policy planners in Brussels.<sup>46</sup> The responsibilities of EUSRs are set out by the GAERC in Joint Actions, which take the form of a mandate. Inevitably, the effectiveness of Special Representatives has varied according to the difficulty of the tasks assigned, the willingness of local elites to engage with the EUSR and the skills of the appointee. Moreover, the operation of EUSRs has, on occasion, been impeded by cross-pillar disputes over provision of funding and other resources.<sup>47</sup> In 2003 revised procedures were introduced for their appointment and financing. While these established that EUSRs would be funded from the Community budget, shortfalls and delays in provision of funding have persisted. In 2005 Special Representatives were operating in relation to the Middle East Peace Process, the Stability Pact for the Western Balkans, the South Caucasus, the Great Lakes region of Africa, Afghanistan, Bosnia-Herzegovina,<sup>48</sup> Macedonia and Moldova.

A further, well-established policy practice has been deployment of missions to assist with the organization and monitoring of elections. These may be deployed either by the Commission, in the context of cooperation or association agreements,<sup>49</sup> or under CFSP provisions. Thus, in 2004, CFSP electoral missions operated in Sri Lanka and Indonesia, while Community monitors were deployed in Mozambique, Malawi, Ukraine and the West Bank and Gaza. This last involved some 170 monitors (forty of them deployed for more than a month) to supervise the presidential elections that followed the death of Yasser Arafat.<sup>50</sup> While cross-pillar tensions can arise in

relation to CFSP electoral missions, in Community operations these problems do not arise.

### *Economic instruments*

The economic instruments of policy remain, as we have seen, located within the Community. Measures employed to further CFSP priorities can be positive, in terms of financial assistance or trade concessions, or negative, involving economic sanctions or other restrictive measures.

The Commission has traditionally shown a preference for positive engagement and use of incentives in its relations with third countries. Foreign policy aims in the broadest sense have undoubtedly been served by extension of candidate status to neighbouring countries, and the subsequent imposition of numerous pre-accession conditions and strategies. It remains to be seen whether the 'everything but institutions' formula of the European Neighbourhood Policy will be similarly effective.

In more specific terms, in furtherance of the Union's political aims in relation to third countries, a dedicated funding instrument, the European Initiative for Democracy and Human Rights (EIDHR), was established in 1994. This is used to promote four priority areas in recipient countries<sup>51</sup> – promotion of democracy and the rule of law; abolition of the death penalty; prevention of torture; and support for minority rights (Commission 2001e). While external consultants have reported positively upon the impact of EIDHR funding (Smith 2003: 113–14), it is relatively modest when compared with the development assistance provided from the Community budget and the EDF.

In relation to Community assistance programmes, the Union's political objectives are reflected in the numerous conditionalities routinely inserted into agreements with third countries. These include provisions on human rights, democracy and 'good governance' and, more recently, on proliferation of WMD and measures to combat terrorism. As we saw in Chapter 6, there has been reluctance to invoke these conditionalities in the context of the Union's difficult relations with Mediterranean countries. Nevertheless Karen Smith (2003) lists 32 instances, between 1988 and 2002, where assistance has been reduced or interrupted consequent upon failure to meet EU provisions on human rights and democracy. Of these, 21 relate to ACP countries. Interruption of assistance to these impoverished countries is inevitably controversial, and the 2003 EU–ACP Cotonou Agreement introduced special provisions for consultation with the ACP Group, including recourse to arbitration, in the event of proposals to suspend any part of the Agreement. Suspension of assistance has also been used in relation to Myanmar (on a long-term basis) and China, Russia and Pakistan (amongst others) for short periods.

Decisions concerning imposition of sanctions or restrictive measures are taken in the context of CFSP, usually through a Common Position adopted by the GAERC. Restrictive measures are not confined to economic sanctions (such as trade embargoes or freezing of financial assets), they also include diplomatic sanctions, such as severance of diplomatic relations and suspension of official visits, and the imposition of admission restrictions. In practice, imposition of wide-ranging trade sanctions is avoided in

favour of measures designed to target specified individuals or groups. Thus, in the context of the Western Balkans for example, financial sanctions and admission restrictions have been imposed in relation to named individuals wanted for questioning by the International Criminal Court for Yugoslavia. Similar restrictions are in force in relation to individuals considered to be supporters of Al Qaeda or the Taliban.<sup>52</sup> Frequent use is also made of embargoes on arms exports and export of equipment that can be used for internal repression. Such measures were imposed upon eleven countries in 2004. Responsibility for implementation of these measures is shared between the Commission and the Member States, although the Commission is charged with ensuring overall consistency and with tasks such as publication of lists of targeted persons and groups.

A final economic instrument that falls within Commission competence is the Rapid Reaction Mechanism. This was adopted in 2001 and authorized the Commission to make rapid disbursements of funds from a dedicated budget line. The RRM is intended to support conflict prevention measures or assist in maintaining or re-establishing civic structures. Following its first use in Macedonia in 2001, it has been used in Bolivia, Nepal, Georgia, Iraq and Lebanon.

While assessment of the effectiveness of the Union's policy instruments is difficult, recent years have undoubtedly seen a very considerable increase in CFSP activity. There has also been increased external recognition of the Union as a political actor. This is reflected in the broad participation in the EU-led Stability Pact for the Western Balkans (which includes Canada, Japan, Russia and the USA amongst others) and the Union's role in the Middle East Quartet. Further afield, it is instructive to note the assessment of the Chinese government – 'the European Union is a major force in the world' (PRC 2003: 1). As the Union has become more active, and its role is increasingly accorded recognition, provision of overall strategic direction for the Union's external activities is imperative. The European Security Strategy is intended to fulfil that function.

### *The European Security Strategy: a framework for the future?*

Through its analysis of the external context of EU action, in terms both of challenges and opportunities, the Security Strategy seeks to promote a shared vision of the Union's role in the world. This is intended to provide a framework for future action, and for use of the Union's policy instruments.

With the broad aim of procuring 'A Secure Europe in a Better World', the Security Strategy commits the Union to three 'strategic objectives' – addressing 'key threats', building a secure neighbourhood and promoting an 'international order based on effective multilateralism' (European Council 2003). By examining the extent to which the Union's recent activities accord with these objectives, we attempt to assess the potential for the Security Strategy to provide an overarching framework for EU external policy.

#### *Addressing 'threats'*

In the post-9/11 environment, the 'key threats' identified by the Security Strategy are unremarkable – terrorism, proliferation of WMD, regional conflicts, state failure

and organized crime. While this approach to threat assessment echoes US thinking on these matters, the EU strategy for addressing threats differs considerably from the US preference for (potentially pre-emptive) military action. It reflects the dual 'hard' and 'soft' approach that is implicit in the repetition of references to 'security' in CFSP and ESDP. Thus the Security Strategy emphasizes the importance of long-term, essentially civilian measures to address the root causes of external threat (by, for example, linking security and development), as well as shorter-term responses, including those that utilize ESDP instruments.

Since the third source of threat identified by the Security Strategy – regional conflict, state failure and organized crime – overlaps considerably with neighbourhood issues, and is also dealt with in Chapter 8, we deal in this section only with measures to combat terrorism and the spread of WMD.

#### *Measures to combat terrorism*

In the aftermath of the terrorist attacks of 9/11 the EU acted rapidly. Its initial response included an extensive series of ministerial and Troika visits during October 2001 which led to the intensification of political dialogue and economic and financial cooperation with Pakistan, Iran, India, the Central Asian countries and the Gulf Cooperation States.<sup>33</sup> Subsequently, following the overthrow of the Taliban regime in Afghanistan, the Union developed a comprehensive approach to post-conflict reconstruction based on Community funding instruments, despatch of a CFSP Special Representative and promotion of cooperation with neighbouring countries.<sup>34</sup> This initial response to the events of 9/11 thus represented an attempt self-consciously to consider the underlying sources of support for terrorism.

This holistic approach was supplemented, from July 2002, by measures to ensure that 'the fight against terrorism' is incorporated in all aspects of external policy. From this time the Union's approach has been overtly security driven. Thus, in order to guide future EU policy 'threat analyses were developed on a large number of countries and regions' (Council of the EU 2003: 43). On the basis of these analyses, counter-terrorism elements have been included in contractual relations with third countries, and technical assistance has been provided.<sup>35</sup> Counter-terrorism has also become a priority of the Union's political dialogue with third countries (*ibid.*).

Anti-terrorism initiatives in the context of Justice and Home Affairs and Pillar III (police and judicial cooperation in criminal matters) have been both security-driven and exclusionary in effect. Thus, in relation to JHA matters (immigration and asylum), the Common Position on combating terrorism adopted in December 2001 emphasized the need for strengthening of border controls and increased surveillance, introducing a discourse of exclusion that prioritized security over respect for human rights (Den Boer and Monar 2002: 27). In Pillar III, initiatives included production of a common definition of terrorism, compilation of a list of 'terrorist' organizations (for the purpose of freezing assets and imposing entry restrictions), introduction of the European Arrest Warrant and greatly accelerated procedures for extradition of suspects. While progress in (strictly intergovernmental) Pillar III matters declined somewhat after the early period of activity,<sup>36</sup> the Madrid terrorist

attacks of 2004 brought fresh impetus, resulting, *inter alia*, in the appointment of an EU anti-terrorism coordinator.

#### *Measures to prevent proliferation of WMD*

The EU has long supported multilateral approaches to arms control and non-proliferation. In addition to coordinating Member State positions, and those of associated countries, in international forums, the Union has actively promoted universal adherence to the various international conventions pertaining to these matters. Of particular significance in this respect was the leadership role played by the Union in relation to the International Code of Conduct on ballistic missile proliferation. Following 125 Troika démarches on this topic in 2002, the Code was launched in November that year with 94 states initially subscribing (Council of the EU 2003: 41).

The Union's active role in multilateral diplomacy has been complemented by bilateral initiatives. Somewhat controversially, new conditionalities on WMD have been inserted into cooperation and partnership agreements with third parties, including the ACP countries, thus prompting accusations that security concerns are being prioritized over development and, in particular, the eradication of poverty. More specifically, the Union provides funding and technical support to assist countries with the disposal of chemical weapons. Russia has been the principal beneficiary of this funding.

Of great importance has been the Union's approach to concerns about potential development of a nuclear weapons programme in Iran. In sharp contrast with the belligerent stance adopted by the US government, the EU (represented in high-level diplomatic initiatives by the G3, France, Germany and the UK) embarked upon a process of 'conditional engagement' with Iran. Thus, the Union has made negotiation of an EU–Iran trade and cooperation agreement, and EU support for Iran's membership of the World Trade Organization, conditional upon suspension by Iran of its weapons programme – this to be verified by the International Atomic Energy Authority. Adoption of this distinctive approach to an undeniably 'high politics' issue inevitably provides 'a test case for EU foreign policy' (Everts and Keohane 2003: 179).

#### *Building a secure neighbourhood*

Promotion of regional security has been the first priority of CFSP since its inception, and the Security Strategy continues to emphasize the importance of 'a ring of well governed countries' to the East and South (European Council 2003: 8).

As we saw in Chapter 6, considerable effort has been expended in this respect – most particularly in the Western Balkans where the EU manages the broadly-based, multilateral Stability Pact, operates bilateral Stabilization and Association Processes and has in post three Special Representatives. Proactive diplomacy on the part of the CFSP High Representative has also contributed to conflict resolution in the region. Here, too, the Union has deployed its ESDP instruments both in Macedonia and in Bosnia-Herzegovina. It is thus in the Western Balkans that the Union has made most

progress in pursuing strategic objectives and in utilizing all available instruments of policy. In this region, the Union is now the principal external actor and its success, as the Security Strategy admits, is crucial to the 'credibility of our foreign policy' (European Council 2003: 8).

In the context of the 2004 enlargement attention has also turned to 'new' Eastern neighbours, including Ukraine, Moldova and the troubled South Caucasus region. Here the European Neighbourhood Policy (launched in 2003) aims to promote stability within and improved relations between these countries through a range of (primarily economic) incentives, accompanied by a range of conditions that must be met by the 'Neighbours'. The ENP is complemented by diplomatic initiatives, including interventions by the High Representative in Ukraine and Moldova,<sup>57</sup> and the appointment of Special Representatives to Moldova and the South Caucasus. In this region, however, the Union's success in building a 'strategic partnership' with Russia remains the key to policy success; and here Russian sensitivities impede use of ESDP instruments.

The Union's long and problematic relations with Mediterranean neighbours are also discussed in Chapter 6. Of particular significance in the CFSP context is the multi-faceted Euro-Med Partnership (EMP). Launched in 1995 and involving the Maghreb and Mashreq countries, together with Israel and the Palestinian Authority, this ambitious project aims not only to strengthen bilateral relations between the EU and participating countries but also to create a multilateral forum for political dialogue between them. As a consequence of worsening relations between Israel and the Palestinian Authority, particularly following the outbreak of the second Intifada in 2000, the EMP has faltered. In 2003, in an attempt to reinvigorate the process, the Mediterranean countries were included in the European Neighbourhood Policy. Ultimately, however, the Union's ability to influence its Southern neighbours depends upon progress in the Middle East Peace Process.

The Union has been concerned with the Middle East conflict from the inception of EPC and has, since 1980, consistently argued for a settlement based on Israel's right to peaceful existence and the right of the Palestinian people to achieve statehood. Until relatively recently, however, the Union has not been actively involved in high level conflict resolution efforts, which have been dominated by the USA. Nor has it realized the potential of its economic presence in the region. Neither in relation to the beneficial trade arrangements enjoyed by Israel, nor the very considerable financial assistance provided to the Palestinian Authority,<sup>58</sup> has there been Member State consensus on the introduction of restrictive measures in response to human rights abuses or use of violence by either party to the conflict. The chief political contribution of the Union was thus the attempt, through the efforts of its Special Representative (appointed in 1996) and dialogue promoted within the multilateral EMP process, to create an environment conducive to the success of peace negotiations conducted by others.

The failure of the EMP to prosper after 2000 prompted the Union to seek more direct involvement in the peace process. A number of localized mediation efforts were undertaken by the Special Representative and Javier Solana, including an intervention that ended a siege by the Israeli military of the Church of the Nativity in

Bethlehem.<sup>59</sup> Inclusion of the Union (with Russia, the UN and the USA) in the Quartet formed in 2002 to coordinate policies towards the region, denotes recognition of the Union's more proactive political role. In the past the attitude of the US government had been 'you may take your bag of gold and leave it on the doorstep' (Interview, External Mission, January 2003). Within the Quartet the Union has played a proactive role, particularly in drafting the 'road map for peace' adopted by the Quartet in 2002 and subsequently published, following EU pressure in the face of US reluctance, in 2003. Despite the subsequent lack of progress in implementing the 'road map', its publication as a basis for working towards a settlement of the conflict represents 'an important success for European diplomacy' (Asseburg 2003: 185). However, despite the enhanced role played by the Union since 2000, the US remains the dominant actor in the region. But if the peace process were to succeed, the Union's aim of becoming 'a deciding factor' in the post-conflict environment might, perhaps, be achieved (European Council 2000: 1).

#### *Promoting effective multilateralism*

Commitment to multilateralism is at the core of EU external activities. A reflection of its own character, it expresses both the Union's preferred approach to international affairs and a desire to emphasize its distinctiveness from the unilateralism of the USA. The extent of the Union's commitment is evident from references, throughout this book, to the Union's role in promoting multilateral dialogue (whether in relation to the ACP, Euro-Med, Mercosur or ASEM), and to its proactive participation in multilateral processes and organizations.

In previous chapters we have considered, for example, the Union's role in relation to the World Trade Organization. Here, the EU is not only a major player, it actively promotes the extension of WTO membership to problematic applicants such as Russia and Iran – provided that such countries comply with conditions imposed. The Union also played a key role in promoting the Kyoto Protocol to the Climate Change Convention, including use of its economic power to procure ratification by Russia, thus ensuring entry into force of the Protocol in early 2005. In the present chapter reference has been made to the significant diplomatic effort expended by the EU – particularly to ensure establishment of the International Criminal Court, but also in relation to the International Code of Conduct on proliferation of ballistic missiles.

With the exception of areas, such as trade policy, that fall within exclusive Community competence, the ability of the EU actively to promote its policies in international forums depends upon the unanimous support of the Member States. Consistency is thus vital, not least since the EU itself is a member of few international organizations.<sup>60</sup> In the context of the United Nations, for example, the Union's effectiveness depends upon the ability to coordinate Member State positions, and the willingness of Member State governments to permit the Presidency to speak on their behalf.

Since the inception of EPC the Member States have attempted to coordinate their positions in the UN General Assembly and related UN bodies, with considerable success in recent years (Dedring 2004). Since the EU can muster 25 votes from Member

States (and considerably more when candidates and associates are persuaded to vote with the EU) it is not surprising that the Union is 'recognised among the UN membership as a formidable force' without whose support 'nothing gets accomplished' (Laatikainen 2004: 5). It is in the UN Security Council (UNSC), however, that decisions are taken on key issues pertaining to international security. Here the superior status accorded to France and the UK, due to their permanent UNSC membership, is inevitably a divisive factor. Since introduction of CFSP in 1993, however, the practice has developed of presenting written and verbal statements on behalf of the EU, with both the Presidency and Javier Solana regularly addressing the Security Council (Laatikainen 2004: 6).<sup>61</sup> While these coordination efforts are successful when relatively mundane issues are at stake, the divisions between Member States over the 2003 invasion of Iraq remind us that consistency problems continue to impede EU actorness.

The Security Strategy, in its reference to 'effective' multilateralism, seeks to promote both Member State consistency and a more robust approach to ensuring that international norms are adhered to. The two are intimately linked, in that the Union's preference for using incentives rather than restrictive measures reflects, in part, the greater difficulty in achieving consensus to employ the latter. Only in relation to Myanmar has the Union imposed a comprehensive set of restrictive measures. While 'conditional engagement' is likely to remain the preferred policy option, those who are unwilling to engage, the Security Strategy warns, 'should understand that there is a price to be paid, including in their relationship with the European Union' (European Council 2003: 10). The extent to which Member States can reach consensus on the application of negative measures remains to be seen.

## Conclusion

The aim of this chapter was to assess the potential for CFSP to provide an overarching political framework for the Union's external activities. To achieve this aim we first outlined the evolution of a foreign policy system for the EC/EU since 1970.

In the face of significant divisions between Member States concerning the desirability of common policy in this area, the EPC system was a compromise that facilitated routine consultation and cooperation, but precluded proactive policy formulation. However, from the late 1980s the successful deepening of policy integration internally, combined with the dramatically changed external policy environment of the immediate post-Cold War period, appeared to provide the conditions for significant progress towards a common foreign policy. In the event the CFSP provisions of the TEU, while strengthening the policy-making machinery, proved a disappointment. CFSP remained an intergovernmental process, subject to unanimous voting procedures. Indeed the TEU, in creating the pillar structure of the Union, consolidated the separation between external economic relations and foreign policy.

CFSP nevertheless marked an important stage in the evolution of foreign policy, heralding a perceptible shift towards the basing of decision-making procedures in Brussels rather than in communication between officials in national capitals. The

implementation of subsequent Treaty amendments further strengthened the CFSP, notably through the appointment of Javier Solana as its first High Representative. Solana proved an able appointee, who has contributed significantly to the effectiveness and visibility of CFSP. A further important innovation was the establishment of the Political and Security Committee, with its twice-weekly meetings of Brussels-based national diplomats, which has become the hub of the foreign policy-making process.

These positive developments have been reflected in increased CFSP activity. The Union is now undoubtedly an important regional actor, particularly in relation to Eastern neighbours. But political activity has also ranged widely, in terms of content and scope, from proactive support for the International Criminal Court to development of a distinctive, multi-faceted approach to combating terrorism and to relations with Iran. This has been associated with greater recognition by third parties of the Union as a political actor; and a discourse that constructs the EU as a serious protagonist, providing an alternative to US unilateralism and even a potential counter to US hegemony (Keohane 2002; Kupchan 2002; Morasvick 2003).

A number of problems persist, nevertheless. The most significant of these is lack of consensus among Member States concerning the content and direction of policy. This is reflected in the willingness of Member States to agree institutional reforms, or to insert provision for QMV in the Treaties, and their subsequent reluctance to use them effectively, or indeed at all. Coherence, in particular cross-pillar coordination, has also remained an impediment to implementation of CFSP decisions. While the marginalization of the Commission from CFSP processes has been offset by habits of cooperation, through frequent utilization of Community policy instruments by the CFSP, in new policy areas cross-pillar tensions and jealousies continue to arise.

An attempt to address outstanding problem areas, and a further phase in the evolution of the CFSP, was marked by the agreement of Member State governments, in 2004, to the provisions of the Constitutional Treaty. The decision to create the posts of President and Foreign Minister, in particular, indicates growing awareness, even in large Member States, that it is both desirable and necessary to construct a foreign policy actor capable of connecting the economic power of the EC to some form of collective political purpose. Debates about the future development of CFSP/ESDP will undoubtedly be framed by the provisions of the failed Constitutional Treaty.

The external policy environment has also provided impetus to the process of constructing the CFSP, in particular new understandings about the nature of foreign and security policy in the post-Cold War, post-9/11 world. In the context of high profile, damaging divisions between Member States over the 2003 invasion of Iraq, the need to provide strategic direction for EU external action was perceived to be urgent. Production of the European Security Strategy reflects that perception.

The Security Strategy provides a framework that links long-term priorities of the EU – promotion of regional stability and strengthening of multilateral processes and organizations – with renewed (essentially post-9/11) commitment to combat terrorism and prevent the proliferation of WMD. While these new threats have become the first priority of the Union, the Security Strategy, in its introductory section, envisages a comprehensive approach to security. It refers to the challenges associated with poverty

and disease in 'much of the developing world' (European Council 2003: 2). It concludes, nevertheless, that 'security is a condition of development' (ibid.). In consequence, while use of development assistance for purposes of security is proposed, poverty eradication, despite its status as an aim of the EU, is not included among the Union's 'strategic objectives'. This omission is a matter of concern to proponents of a comprehensive approach to human security, among them several Member State governments.

To the extent that perceptions of external threat remain a central preoccupation of the Union and the Member States, a security focus to external policy may provide an effective strategy for re-framing CFSP priorities. However, a new security discourse that incorporates, or subordinates, EU development and humanitarian policies is inconsistent with the dominant, value-based identity constructed for the Union. If the European Security Strategy is to provide a framework for uniting Member States in common action, this dissonance must be resolved through development of shared understandings about the meaning of security, and about the appropriate use of the Union's security instruments. We turn to these matters in Chapter 8.

## 8 The EU as a security community and military actor

The European Union is a global actor, ready to share responsibility for global security.  
(Council of the EU 2004a: 1)

The EU is in itself a peace project and a supremely successful one ... Through the process of enlargement, through the Common Foreign and Security Policy, through its development co-operation and its external assistance programmes the EU now seeks to project stability also beyond its own borders.

(Commission 2001c: 5)

The evolution of the EU places it at the heart of major contemporary debates, not only about the meanings of security in a post-modern world, but also the time-honoured and defining relationship between sovereignty and the means of violence.<sup>1</sup> The acquisition of military capability by the Union must raise the question as to whether its civilian identity is now fundamentally challenged. In attempting to provide an answer, we consider, in this chapter, the rapid development of ESDP and the alternative constructions of the security identity of the EU which it has stimulated.

In many ways the EU, from its original conception in the form of the European Coal and Steel Community, was always in the business of providing security. This role derived from its presence. However, significant developments from the late 1990s through to the first deployment of forces under the European Security and Defence Policy (ESDP) in 2003 can be regarded as a transformation in which the Union acquired not only an unprecedented military capability but a security strategy to inform its use. A substantial part of this chapter will thus be devoted to examining the expectations and opportunities that led to the formation of military actor capability and the associated decision-making procedures and instruments.

Although, subsequent to the collapse of the European Defence Community (EDC) project in 1954, the European Community was explicitly un-involved in defence matters, this did not prevent expectations and discussions of a potential military role. In the early 1970s, when the EPC system of foreign policy cooperation was initiated, fears were expressed that this would inevitably lead to the development of a predatory, militarized 'European super-state' (Galtung 1973). Alternatively, it was contended,