

Shifting EU Foreign Policy into Higher Gear

EU Diplomacy Papers

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About *EU Diplomacy Papers*

The Department of EU International Relations and Diplomacy Studies of the College of Europe in Bruges is pleased to be able to launch its working paper series, *EU Diplomacy Papers*, with the speech delivered by H.E. Karel De Gucht, Belgian Minister for Foreign Affairs, during the inauguration of the EU International Relations and Diplomacy Studies programme at the Provincial Palace in Bruges on 15 November 2006.

The *EU Diplomacy Papers* offer a platform for academic and policy-oriented discussions of the European Union's external relations in a broad and interdisciplinary sense as well as of external aspects of the EU's internal policies. The aim of the series is to provide scholars and practitioners in the field of EU diplomacy with an opportunity to publish their work rapidly and to make the papers available worldwide.

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Introduction

European integration is a project born from the desire to secure lasting peace between the peoples of Europe. From the beginning, the European Community (EC) underpinned the reconciliation of Western Europe, helped to increase its stability, raised standards of living and promoted ever closer relations between its Member States. Subsequently, through development cooperation, external assistance programmes and through the Common Foreign and Security Policy (CFSP), the growing European Union (EU) has been seeking to project stability and lasting peace not only within but also beyond its borders.

However, the European Union is currently navigating stormy waters. More than before, there are major doubts and disagreements about the future direction the European Union should take. Against this troubled backdrop positive steps are necessary to reverse the negative state of mind.

European citizens expect the EU to use its substantial international influence to protect and promote their interests. Conversely, the rest of the world expects Europe to pull a greater weight in international affairs. In living up to these expectations, the European Security Strategy (adopted in December 2003) argues that the impact of the EU as a whole can be much higher than the sum of its component parts, in other words the isolated actions of Commission, Council and individual Member States.

The EC has outgrown the time when its external competence was limited to trade. Development cooperation policies have gained a lot of weight; agreements can be concluded on migration and movement of persons as much as on imports and exports; and there is a broad external competence in matters of environmental policy, social policy and monetary policy. CFSP is to serve as a multiplier for EU influence, through concrete actions notably in the fields of conflict prevention, crisis management, peacekeeping, peacemaking and disaster response.

Belgium has always been a staunch advocate of a political Europe and at the forefront of promoting the Community method and of strengthening the competences of the European Commission. In the run-up to the Maastricht Summit (December 1991), the Benelux countries already favoured a unified treaty structure

and the incorporation of all dimensions of European foreign policy under the umbrella of the EC. In December 2002, European Convention Working Group VII on External Action noted considerable support for the full merger of the functions of the High Representative into the European Commission (so-called option 2). This option enjoyed Belgium's full support.

This merger would provide a single centre for policy preparation in the field of external action (including CFSP), which would be situated in the Commission. Decision-making would remain in the hands of the European Council and the Council of Ministers. The Commission would be responsible for policy initiation and implementation, as well as for external representation in all areas of Union external action. There would be one single administration and full parliamentary control. The merger would not cover issues related to ESDP, which would be subject to a different arrangement.

I still do believe that applying the Community method to foreign policy is the "first best" option. However, it serves no purpose to be blind to political reality. In 2006, it is still clearly the case that a majority of member states refuses to grant the Commission the same role in foreign and security policy matters as in, say, internal market matters.

Achievements

Since the entry into force of the Treaty of Amsterdam (May 1999), and the decisions taken at the European Councils of Cologne (June 1999), Helsinki (December 1999), Feira (June 2000) and Nice (December 2000), CFSP, European Security and Defence Policy (ESDP), as well as external relations under the first pillar, have developed with extraordinary speed.

Clear evidence can be seen in the multiplication of initiatives and actions in response to different crises and conflicts, the adoption of political orientations with increasing operational implications, the development of an (autonomous) sanctions policy, the negotiation of a variety of association agreements and development, assistance or partnership programmes with third countries, the strengthened cooperation with international or regional organisations (i.a. UN, NATO, OSCE and

African Union), the elaboration of Common Strategies on the fight against terrorism, the proliferation of small arms or weapons of mass destruction, as well as the endorsement of detailed guidelines on the promotion and defence of human rights.

The European Security Strategy – "A Secure Europe in a Better World" – (adopted in December 2003) constitutes an important milestone. This guiding document identifies the major security challenges facing the EU and its Member States, and sets out clear priorities for EU Foreign Policy. The successful conduct of operations Artemis in the DR Congo (first autonomous military ESDP operation) and Proxima in FYROM (first civilian ESDP operation) has sparked a positive dynamic for the development of crisis management procedures, instruments and capabilities. Today, the EU is engaged in theatres as diverse as Africa, the Western Balkans, the Middle East and in Aceh (Indonesia).

The nomination of Javier Solana as High Representative for the CFSP has marked the collective ambition of EU Member States. The function of the High Representative also introduces some prudent elements of the Community method. Although the High Representative does not have an exclusive right of initiative, his guidance and recommendations can foster a common basis for foreign policy actions.

Javier Solana has conducted talks with the Iranian authorities on the Iranian nuclear programme. In June of this year, he submitted to Teheran a package proposal by the five permanent members of the UN Security Council plus Germany. This mission by the High Representative and its backing by the United State, Russia and China should not be underestimated in the context of EU Foreign Policy.

At the same time, EC instruments (inter alia association, partnership and other agreements) have proven to be very valuable tools to promote stability and peace in the world. Political dialogue with third countries and regions, has become meaningful because they build on the appeal of first pillar external policies, such as trade policy, development policy and financial support.

The following quote by former Commissioner for External Relations, Chris Patten, taken from his book "Not Quite the Diplomat", describes vividly how the first and second pillar can work in concert to effectively deliver policy:

"Solana was the representative of all of the foreign ministers; I had charge of the Commission's external services – development and cooperation programmes, and the coordination of all the activities that had a major bearing on other countries. As far as I was concerned, Solana occupied the front office and I was in charge of the back office of European foreign policy ... But at least in the back office, the levers were connected to machinery; pull them and something normally happened, if sometimes too slowly."

Shortcomings

Remarkable though recent progress has been, a sober look at European foreign affairs in general still prompts the conclusion that it remains hard for the EU to develop a forceful, active policy. Why is that so? The following factors explain a great deal.

To start with, there are the limitations of the three-pillar system of the EU. This system leads to problems of *horizontal inconsistency* between the first and second pillar. Major constraints reside in the inability to mobilise EC instruments for specific foreign policy objectives. The recent Court case on "small arms and light weapons in the framework of ECOWAS" further complicates the formulation of a genuine EU Foreign Policy drawing on all available instruments (first, second and third pillar).

The pillar structure also leads to inadequate budgetary resources to finance the future development of CFSP and the growing number of civilian ESDP operations. Expenditure associated with the external actions is governed by different rules, depending on the legal base within the first or the second pillar. This situation seriously hampers both the consistency and the effectiveness of EU external action.

Belgium – supported by a large majority of Member States – has pleaded in favour of an increase of the CFSP budget from €62 million in 2005 to €102,6 million in 2006. Under the financial perspective 2007-2013 the annual CFSP budget will increase from €120 million to €250 million. In determining the appropriate level of the CFSP budget, two fundamental principles should be kept in mind: 1) budgetary resources should follow objective foreign policy needs, not the other way around, and 2) adequate

"common" budgetary resources are necessary to underpin geographical solidarity among Member States with diverging foreign policy priorities.

The rise of the CFSP budget in coming years is undisputed, but it remains doubtful whether what Council and Parliament have agreed upon will prove adequate. For instance, next year a financial crunch is unavoidable if the EU is to launch the largest civilian ESDP operation ever in Kosovo.

Alternatively, one could revisit the groundbreaking proposal by the Commission for financing the ESDP operation in Aceh. The Commission stood ready to align the support it delivered through first pillar instruments with the political framework agreed under CFSP. Unfortunately, this proposal was withdrawn after a bitter confrontation with the legal service of the Council and two Member States.

Secondly, there is also the problem of *vertical inconsistency*, or the inadequate support from national diplomacies for EU foreign policy, despite the clear obligations stemming from Articles 11 and 19 of the Treaty. Strengthening of EU foreign policy is too often perceived as a zero-sum game with loss of national influence and prestige. EU policy and national policies towards important international partners, such as the US, Russia, China highlights this point.

A third important obstacle – that is often overlooked – is the lack of interest Member States have in EU foreign policy-making. Diverging foreign policy objectives on key international issues are one part of the explanation, where obviously the case of Iraq comes to mind. With regard to foreign policy issues slightly lower on the international agenda, say Somalia, Guinea Bissau or East Timor, only a few Member States – due to historical, geographic, economic or other reasons – may be keenly interested in active EU foreign policy, whereas the majority favours not to get involved. This leads to a conspiracy of indifference and undermines the legitimacy and relevance of EU foreign policy for the political elite and population in those interested Member States.

A fourth and final challenge for EU foreign policy is the tendency toward the creation of "directoires" and other restricted groups of member states that act outside or at the margins of the EU framework.

In many cases, the creation of these groups is the result of member states' frustration, when their demand for a more active European foreign policy has been rejected. When others are not able or willing to come up with the required financial and human resources, some decide to take the lead and go it alone. This is positive, as this is often the only possible way forward.

However, in some important files, there has been the inclination of the largest member states to form a "directoire" and to formulate amongst them foreign policy. This in itself should not be worrisome. It becomes a serious cause for concern when a small group of countries define EU foreign policy, having regard to EU instruments.

The Contribution of the Constitution

The shadow cast over the future of the Constitution hangs over the further development of EU Foreign Policy as well. The Constitution would allow for a better articulation of different external policy areas and would introduce new elements of the Community method into CFSP. However, it falls short of solving some of the problems I just listed.

The most valuable contribution the Constitution would make is the introduction of a Union Minister for Foreign Affairs and the creation of a supporting European External Action Service. The Union Minister for Foreign Affairs/Vice-President of the Commission would be key to ensuring horizontal consistency of EU foreign policymaking and external actions under the first and second pillar. He or she would be in a strong position as he/she would chair the Council and oversee CFSP implementation.

Shifting EU Foreign Policy into Higher Gear

Having taken so far a bird's eye view on the current state of EU Foreign Policy, I now want to turn our attention to some small, practical steps, which together could shift EU Foreign Policy into higher gear.

What steps could be taken to tackle some of the shortcomings I referred to earlier, without compromising the advances in foreign policy the Constitutional Treaty holds in store?

The Finnish EU Presidency has proposed a series of possible measures to increase the efficiency, coherence and visibility of EU external policies. Allow me to highlight the most eye-catching items: wider use of qualified majority in CFSP according to Article 23 of the Treaty; having the same person serving as Head of the Commission delegation and EU Special Representative; more personnel exchanges in capitals and abroad between national diplomatic services, and the Commission and the Council Secretariat; more exchanges of analyses and reports; common visa application centres and closer consular cooperation, including in crisis situations.

I can subscribe wholeheartedly to these suggestions. In addition, I believe it would also be worthwhile examining the following measures: reinforcing the mandate of the SG/HR to represent the Council, in particular in crisis management situations or on specific issues, and to conduct political dialogues in accordance with Article 26 of the TEU; reinforcing the support of the Commission to ESDP actions and missions, through the stability instrument (flanking measures); and reinforcing the support of the Commission to Special Representatives of the EU during their missions in the field.

To this Finnish list of proposed measures, may be added the internal "housekeeping" changes announced by the Commission in its recent Communication to the European Council and by Mr. Solana in his Hampton Court follow-up letter.

Relations of the EU with a third country or region are by definition multidimensional. Therefore, an institutionalised coordination and cooperation between Relex Commissioners and the High Representative is indispensable, but also between Relex Commissioners and Commissioners in charge of internal policies with a growing external dimension, for example environment, justice and home affairs and research and technology.

The High Representative made valuable proposals for the strengthening of the Council Secretariat's ESDP structures. I would, underscore the importance of closely associating the Commission in different aspects of Crisis Management. The main task,

however, is now up to the Member States, who have to live up to the goals they have set themselves, especially the attainment of the civilian Headline Goals of 2008 – mobilising policemen, rule of law experts, civil administrators, and civil protection experts – and the military Headline Goals of 2010, including the rapid reaction Battle Groups. In this respect, a number of Member States, including Belgium, still have quite some way to go and need to commit more expenditure on military and police manpower and equipment.

Additionally, more, and more collaborative, outlays on military R&D and capabilities, such as strategic airlifts, should be made through the European Defence Agency. Otherwise, a competitive defence industry in Europe may not be sustainable.

The second and third obstacle confronting EU foreign policy that I mentioned earlier hinge on the lack of support from or interest of Member States. To address these, there is a need for a mechanism that allows us to both safeguard the Community method and recognize the important role of some individual member states in specific foreign policy matters. In a speech in Helsinki last year I proposed to this end the establishment of "EU Liaising Groups" that would build on previous experience with the "EU Core Group for Somalia".

Such a liaising group would consist of the High Representative (or his Special Representative or a diplomat of the Secretariat-General), the European Commission, the Presidency, and a group of member states that are able and willing to devote extra diplomatic efforts and national resources to a particular foreign policy matter. The full membership of the EU institutions and actors will provide the guarantee that the common interest of the EU as a whole is respected.

The formula of EU Liaising Groups may be used for the many foreign policy domains that do not top the international agenda. However, it should clearly be excluded for crucial and well-established EU foreign policy domains, such as the Western Balkans, the Middle East, transatlantic relations, and relations with Russia, as well as for foreign policy matters subject to major disagreements.

The main task of a EU Liaising Group would be to promote a more dynamic, coherent and (pro)active policy towards a specific policy area or issue: 1) through its

support for the preparation, elaboration & implementation of the policy of the EU, and 2) through the intensification and pooling of the national efforts of the states that participate in the Liaising Group.

The High Representative or one of his aides would need to chair the meetings of the EU Group, in order to reconcile specialisation and coherence. He would be responsible for giving feedback to the Council and EP, and for ensuring that the activities of the liaising group do not affect the competences of the Council, Commission or Parliament and respect the existing EU policies towards the foreign policy issue.

None of these small steps is likely to reach the front page of the press. However, if implemented, they would together make a substantial contribution to reinforcing European foreign policy.

For any policy to be effective, there must be means to ends. EU foreign policy is no exception to this simple rule. The following months and years must be used to make sure that the EU can draw on all foreign policy levers that enable prompt and credible intervention, be it money, legal instruments and procedures, people and hardware. Belgium will do its utmost.