

# CFSP Forum

Volume 1, Issue 3

November 2003

## Note from the Editor

**Karen E. Smith, London School of Economics, Editor**

The theme of this issue is enlargement, specifically the implications of the 2004 'big bang' enlargement for European foreign policy. Contributors from current and acceding member states, and candidate countries consider the potential impact of enlargement for the CFSP and ESDP, and the impact of enlargement on the EU's relations with its neighbours in southeastern Europe and Turkey.

This issue also contains an article analysing the foreign policy provisions of the draft constitutional treaty, thus adding to the analyses already published in the first issue of CFSP Forum online.

### Contents

The Fifth EU Enlargement	1
The Impact of EU Enlargement on the CFSP	3
The New Member States and the CFSP	8
ESDP: A View from Poland	9
Enlargement and Southeastern Europe	11
Turkey's Position	13
An Assessment of the Draft Constitution	15
New books and articles	18

## The Fifth EU Enlargement: The Union on the Road to Becoming a Major Political Actor?

**Hanspeter Neuhold, University of Vienna, Austria**

The forthcoming enlargement of the EU will be the most challenging widening of the European integration process ever, both because of the number of states that will be admitted to the Union and because of the differences that still remain between the Fifteen and the eight former 'socialist' newcomers. The next round of enlargement will inevitably have an impact on the EU's foreign and security policies, and a few speculations about that impact are offered here.<sup>1</sup>

Although the second pillar *acquis* has grown considerably in recent years, especially as a result of the St. Malo process leading to the ESDP,<sup>2</sup> the candidate countries had few, if any, difficulties accepting it. Unlike Finland, Sweden and, above all, Austria, admitted in the last round of enlargement in 1995, they did not have to bother about the compatibility of non-alliance or neutrality with EU membership. And acceptance of the *acquis* by today's central and east European candidates was certainly facilitated by the continuing intergovernmental structure of the second pillar and the practice of aligning applicant positions with those of the Fifteen in international organisations and other multilateral fora (see the article by Elfriede Regelsberger below).

As regards the reforms proposed by the Convention on the Future of Europe, the new

members support the further development and deepening of the Union in principle and some, but not all, of the reforms under discussion. For example, the appointment of an EU Foreign Minister<sup>3</sup> or the inclusion of a solidarity clause in the treaty are generally acceptable to them, but some candidates have reservations about the extension of qualified majority voting or the transformation of the Union into a military alliance.

If only for geopolitical reasons, the new member states have their own priorities for the CFSP/ESDP agenda. Above all, they attach particular importance to the Union's *Ostpolitik*, to ensure security and stability in their neighbourhood. Intensified cooperation with non-EU countries in eastern Europe ought to prepare the latter for closer ties with and eventual admission to the Union. Since most of the newcomers are small or medium-sized states, their geopolitical focus lies on the European continent and its vicinity. Poland, however, seems to have a global vision of its role in the second pillar and to be keen on joining a 'directorate' which the great powers may find all the more attractive in an enlarged EU. It will also be interesting to see if, and if so, which, new member countries will at least initially adopt a low profile in order to become more familiar with the details of the CFSP/ESDP, or if they will try to assert themselves as proactive members from the very beginning.

The material resources, especially military, that the candidates have to offer are less important than their 'soft' contributions to the EU's assets: for example, their experience with peacekeeping operations, or their political contacts with their neighbours. Their 'hard' contributions to the Union's rapid reaction force will of course also be welcome. Since the newcomers have settled their major disputes, at least with neighbouring states, prior to accession, they should not add to the EU's headaches in the areas of foreign and security policy. However, it remains to be seen whether the agreement with the Russian Federation on Kaliningrad, which, after the admission of Poland and Lithuania to the EU, will become a Russian enclave within the Union, can provide a satisfactory solution to this thorny problem.

Moreover, the forthcoming enlargement of the Union will hardly facilitate the settlement of one major conflict: the transatlantic rift, which

was widened by the recent controversy over military action against Iraq. The central and east European candidates sided with the United States on this issue and were welcomed by the Bush administration as friends within what Secretary of Defence Donald Rumsfeld approvingly called the 'new Europe'. The Atlanticist, pro-US orientation of those countries is understandable. In light of their traumatic experiences with Soviet and earlier foreign rule and intervention they are more concerned about their security than the present EU member states – although they too are currently not facing the threat of an armed attack. Only the US through NATO is able to offer them effective protection, whereas the EU still is a military 'paper tiger' and provides no security guarantee.

It is argued that post-communist candidates, given their own recent experience with oppression, had fewer scruples than western European nations about ousting Saddam Hussein's regime – although it is also true that former communist leaders are now at the helm as social-democrats in some of the former Soviet 'satellite' countries. Furthermore, the candidate states are complaining, not without reason, about being treated as second-class poor relatives by elder family members. In particular, they resented President Jacques Chirac's angry recommendation to hold their tongues during the Iraq crisis. France and Germany, in particular, should realise that they complain about being treated by the US exactly as they tend to behave toward smaller European countries inside and outside the EU.

Last, but not least, the applicants from the former Soviet bloc can remind the Fifteen that they themselves are still divided on Operation Iraqi Freedom and its aftermath. On the other hand, 'old Europe' could indeed criticise the applicants for going a little too far out of their way to curry favour with the Bush administration. In any event, the newcomers would prefer not to have to take sides but to act as mediators with a view to improving transatlantic relations.

It may well be that once inside the Union the new members will become aware that their priorities are better served by the EU, with its focus on Europe and its 'near abroad', than by the US, with its global concerns and its declining interest in the 'old continent' from which fewer and fewer of its immigrants come. However, the 'socialisation' of the newcomers

in the Union ought to be undertaken by the existing members in a more 'sociable' spirit than some of them have shown in the past. The new members must feel that they have an equal say in shaping the future of the CSFP/ESDP.

Finally, a word of caution seems to be in order. It is generally assumed that a stronger EU will emerge as a result of the forthcoming 'big bang' widening, which should extend the area of political stability and economic prosperity in Europe. The new members see themselves as enviable examples which non-EU members, especially their neighbours, will eagerly follow. However, this positive scenario will only become reality if the Union maintains economic growth and political cohesion. This is not a foregone conclusion, because EU member states are struggling with a sluggish economy and are implementing painful and therefore unpopular social reforms. At the same time, they find it difficult to agree on political issues, from the new Constitutional Treaty to relations with the United States and NATO. Moreover, the full integration of so many new members with such different backgrounds and economic needs will not be easy in any case. Therefore, instead of a positive spillover to countries such as Belarus, Ukraine, Moldova, Georgia or Russia, a negative spillover from those countries to the enlarged EU could be generated: organised crime, terrorism and flows of migrants and refugees could add to the Union's troubles. The existing and new member states are well advised to do their utmost to avoid such a course of events.♦

1. The following remarks summarise papers that were presented in March 2003 at a conference on the 'CFSP/ESDP and Enlargement', organised by the Diplomatic Academy in Vienna within the FORNET framework. A collection of the papers will be published as one of the Academy's Favorita Papers in late 2003.

2. Called CSDP (Common Security and Defence Policy) in the draft constitutional treaty.

3. The Union Minister for Foreign Affairs as he or she is called in the final version of the draft constitutional treaty.

## The Impact of EU Enlargement on the CFSP: Growing Homogeneity of Views among the Twenty-Five

**Elfriede Regelsberger, Institut für Europäische Politik, Berlin, Germany**

As has been said elsewhere,<sup>1</sup> the answer to the question of whether the international profile of the EU will be strengthened or weakened after the accession of ten new countries on 1 May 2004 is guesswork for two reasons:

1. Accession has still not taken place, and thus we can only speculate about the real performance of the 'newcomers' in the CFSP. On an optimistic note, and recalling the smooth negotiations on chapters 26 and 27 of the *acquis* (on external relations and CFSP), it is more likely than not that the benefits of participation by the new members will outweigh by far any negative repercussions on the functioning of the CFSP system.<sup>2</sup> The chance to belong to the European 'club' will probably produce an open-minded attitude about 'speaking with one voice', and more streamlined positions by the new members than claims of vested national interests and clashes with the Fifteen. Although it cannot be completely ruled out that the new members will behave differently, and pursue distinct interests against their EU partners once they are inside the club, such a negative scenario runs counter to the overall supportive approach of the applicants towards CFSP so far. The fact that political leaders from the applicant countries joined the Blair-Aznar solidarity letter to the US President in January 2003 might, however, also suggest that situations could occur where confrontation among the 25 could prevent consensus.
2. The CFSP itself is a moving target.<sup>3</sup> It has seen considerable progress particularly in institutional terms and with regard to its crisis management capabilities. At the same time, old weaknesses like the rotating presidency and the preference for consensus might create considerable obstacles to the operation of CFSP after enlargement. Most recently, the Convention

on the Future of Europe intensively discussed various reform proposals. The draft constitutional treaty, and in particular the provisions for a Minister for Foreign Affairs and new forms of enhanced cooperation in ESDP, may allow progress in the CFSP in an enlarged Union - provided the current intergovernmental conference (IGC) adopts them.

### **Alignment with CFSP, 1995 - 2002: some mixed results<sup>4</sup>**

To bridge the gap on policy substance between the old and new members in advance of accession, it has always been in the member states' interest to associate future members with the proceedings and substance of their joint endeavours in CFSP. From 1994, a dialogue was established at all CFSP levels to familiarise the newcomers with the system, which meant informing them of the results of discussions and inviting them to join the CFSP *acquis politique*.

In contrast to the comparatively modest output of the 1980s, which posed hardly any problems for applicants, the CFSP of today covers a much broader agenda. Furthermore, CFSP decisions have become much more operational and detailed, putting considerable strain on the new members when they adapt their national policies to the *acquis*. Countries that have recently gained their sovereignty might even perceive the CFSP as a 'straightjacket' and be tempted to refuse to align with CFSP outputs.

The period 1995-2003 shows, however, the opposite trend. Aligning with the EU is generally seen as a useful way to demonstrate both domestically and internationally how close the central and east European candidates already are to EU entry. This is not to say that alignment with the CFSP was perfect right from the beginning. During the 1990s, alignment has differed according to CFSP instruments and policy areas - though with a clearly narrowing tendency between the old and new members, which has become more obvious since the Accession Treaty was signed on 16 April 2003.

### **Alignment according to instruments**

The extent of alignment with certain CFSP instruments depends on the different legal characteristics and implications of individual CFSP measures. Common strategies, which

define an overall EU approach towards partners such as Russia, Ukraine, and the Mediterranean countries and which are then implemented by numerous decisions of all three pillars, do not suit the intentions of both sides and were not offered for alignment.

Aligning with joint actions was difficult in those cases where CFSP was made operational - for example, by sending special envoys - and when CFSP decisions implied financial contributions from the Community budget. EU legal experts pointed out that non-EU member states could not contribute to the EU budget which would have meant a sort of 'free-riding' for the future members if they had joined such an action - a perspective not necessarily convenient for those who had to carry the financial burdens inside the EU.

But to the extent that joint actions focused on diplomatic strategies - for example, campaigning for the reform of the nuclear non-proliferation treaty in 1999, or combating the spread of light weapons in 2002<sup>5</sup> - alignment was easily achieved. The same applies to those joint actions labelled as EU crisis management operations, for which concrete rules and procedures exist for third party participation and where financing is usually mixed (the EU budget plus contributions from the participating states, or exclusively national in the case of military resources). It should be noted that because of the legal nature of joint actions, which bind only the signatories of the EU Treaty, alignment requires an additional declaration on behalf of the acceding countries together with the EU member states.

In contrast, aligning with CFSP declarations is far less complex and is the preferred way to demonstrate commonality of views (see table 1, p. 7). Alignment can be quickly achieved and made operational directly through an additional standardized paragraph in the original CFSP text.

As is obvious from table 1, after the EU allowed the central and east European countries (CEECs) to align with the CFSP *acquis* in 1994, they did so in a steadily growing number of concrete cases. The percentage of alignments to declarations tripled between 1995 and 2002.

With regard to common positions, alignment was far from uniform. Maximum support for EU policies was reached in 1996, but then was followed by a massive decrease only a year later (see table 2, p. 7). The period since has also

been characterised by a considerable increase to the end of the 1990s and then a major step back during the following years.

The reasons for the figures in table 2 are unclear. Discontinuities may at least partly be traced back to CFSP working practices, which meant that until 1999 the transmission of agreed CFSP texts to the CEECs was not necessarily automatic. It depended on whether the presidency, and the Secretariat-General assisting it, understood alignment policy as an important duty at all (for example, in 1997 there might have been only a limited interest and limited capabilities on both sides given the predominance of the 1996-97 IGC), on whether the presidency actively tried to secure backing from the other EU member states to forward texts automatically to the applicants, and on whether this was done on a case by case basis with more frequent objections from within the CFSP.

From 1999 onwards the transmission of all agreed texts through a special technical network became the rule. It included the EU's invitation to align within a certain time frame (24 hours minimum). Complaints from the candidate countries about the short deadlines became notorious. To be 'on board' the EU *acquis* meant a quick 'yes' and failure to do so could perhaps partly explain the 'backlash' in the period 1999-2002. The more complicated modalities for joining a common position compared to a declaration (see above) may also partly explain the discrepancies. At the same time, however, the varying degree of alignment might illustrate whether or not the CEECs share the substance of certain CFSP policies and where their foreign policy priorities lie.

### **Alignment according to substance**

As regards issue areas, alignment was selective particularly up to 1999. Since then, the positions of the EU member states and the applicant countries have grown closer. At first glance the total convergence of positions between the Fifteen and the CEECs of around 70% looks impressive. When looked at again however, one may identify considerable geographical imbalances and even conclude that homogeneity is more likely to be achieved on positions regarding distant countries and regions; the closer the addressees of CFSP policies are, the deeper

the dividing lines between the Fifteen and the future members. While one may assume certain managerial deficiencies and/or lack of interest to explain why the CEECs joined five out of seven CFSP declarations on Madagascar in 2002, the causes for only a partial alignment to the Fifteen's statements on Russia, Bosnia, Georgia, Belarus or Albania seem to be more deeply rooted and might be understood as indicators for possible conflicts in an enlarged CFSP.

The same can be said for the EU's policy on the Middle East conflict. This key issue of CFSP has been a 'blank area' throughout the alignment process of the CEECs. This might signal divergences between old and new members not only over a European presence in the region but also over the impact of the EU's stance on transatlantic relations.

This marked distance between the Fifteen and the future members is somewhat in contrast to their performance in the UN, where the voting patterns of the CEECs at the General Assembly are close to the EU countries on issues referring to the Arab-Israeli conflict.<sup>6</sup> The same can be said for other issues like global disarmament or decolonisation. Among the 'newcomers', Estonia and Lithuania disagree most often with the CFSP *acquis* at the UN.

The greatest distance between the Fifteen and the candidate countries still exists with regard to human rights questions. For obvious reasons the sensitivities of the latter are particularly high in this field. Consequently the future EU members do not align with CFSP statements and *demarches* which touch upon human rights issues of their own country or one of the other candidates. Similarly CFSP declarations which contain either EU criticism of or support for the domestic political situation in the applicant countries are perceived as being inappropriate and counterproductive.<sup>7</sup>

### **The Fifteen and the 'observers' in 2003: towards greater convergence**

The process of associating the future members with the CFSP entered a new stage on 17 April 2003. Since the signature of the Accession Treaty, the ten acceding countries enjoy the status of 'active observers'. For them this means the end of ex-post information about the results of CFSP discussions among the Fifteen and implies immediate participation at all CFSP levels (European Council down to



working parties and CFSP cooperation in third countries and at international organisations). For the first time the accession countries have the chance to shape the contents of the CFSP on an almost equal footing with their EU partners although they cannot yet take part in the final CFSP decisions.

Information available so far suggests that differences on policy substance between old and new members have narrowed considerably. The gap identified earlier regarding issues in the EU's immediate neighbourhood and the Middle East no longer expresses itself in non-alignment by the acceding countries. On the contrary, they have explicitly shared the contents of all CFSP declarations approved between 17 April and 27 October 2003.<sup>8</sup> The same can be said for the conclusions of the Council (External Relations)<sup>9</sup> and those of the European Council. The particular legal character of joint actions and common positions continues to pose problems for alignment, however. But, as is obvious from their interest in participating in the recent crisis management operations in Bosnia, Macedonia and the Democratic Republic of Congo and in the various joint declarations issued stating that the acceding countries share the views in particular common positions, support for the *acquis* is the preferred approach.

The first experiences in CFSP at 25 over the past few months therefore confirm the position of the optimists, according to which the overall benefits for the newcomers work against obstructive behaviour in daily CFSP business. They seem to carefully consider the costs of opposition in a specific case and of possible repercussions on the overall benefits of belonging to a functioning and result-producing system.

No surprise then that the applicants broadly share the CFSP provisions of the draft constitutional treaty. This applies in particular to the proposal for a Union Minister for Foreign Affairs. Although some of the newcomers, and some of the Fifteen, have asked for further clarifications of his/her functions and in particular his/her relation to an elected President of the European Council, none of the applicants questions the post as such and all favour its introduction instead of continuing with the rotating presidency. Their openness towards 'Community building'<sup>10</sup> is not unlimited, however. The question of extending majority votes in CFSP is regarded with great

scepticism and perceived as being incompatible with their newly gained sovereignty. In addition, and like other small member states, the acceding countries have expressed concern about proposals for enhanced cooperation in CFSP and ESDP matters. Since they fear exclusion from inner circles or directoire their government representatives in the IGC now explicitly favour higher thresholds for the flexibility procedures than those foreseen in the draft constitutional treaty. Finally, support is strong among the future members for further clarification about the impact of ESDP provisions on relations with the US and NATO.

To conclude, the overall picture of the CFSP at 25 is likely to be a positive one as long as the applicants continue to rate belonging to the club higher than going it alone, and those already inside treat the newcomers on an equal footing. Coalition-building will depend on the issues at stake. In general, however, the new members seem to be close to the Atlanticists and those favouring incremental reforms in CFSP rather than 'revolutionary' approaches. ♦

Note: A revised version of this article will appear in the collection of articles published by the Diplomatic Academy in Vienna in late 2003 (see the article by H. Neuhold above).

<sup>1</sup> Antonio Missiroli, ed., *Bigger EU, Wider CFSP, Stronger ESDP?* European Union Institute for Security Studies, Occasional Paper no. 34, Paris 2002, p. 58; Kirsty Hughes, 'European Foreign Policy under Pressure', *Brown Journal of World Affairs*, Winter/ Spring 2003.

<sup>2</sup> Missiroli, *Bigger EU*; Pal Dunay, 'Boxes: Why CFSP and CESDP Do Not Matter Much to EU Candidate Countries', Robert Schuman Centre Policy Paper No 01/05, European University Institute, Florence 2001, p. 21; Fraser Cameron, 'The Future of the Common Foreign and Security Policy', *Brown Journal of World Affairs*, Winter/ Spring 2003.

<sup>3</sup> For further analysis see, among others: Elfriede Regelsberger, 'Gemeinsame Außen- und Sicherheitspolitik', in Werner Weidenfeld and Wolfgang Wessels, eds, *Jahrbuch der Europäischen Integration 2001/2002*, Bonn 2002 and 2002/2003 edition; Knud Erik Joergensen, 'Making the CFSP Work', in John Peterson and Michael Shackleton, eds, *The Institutions of the European Union*, Oxford 2002; Jean-Michel Dumond and Philippe Setton, 'La politique étrangère et de sécurité commune (PESC)', Paris 1999.

<sup>4</sup> I am particularly grateful to Nicole Alecu de Flers for her assistance in collecting the data.

<sup>5</sup> Elfriede Regelsberger, 'Die schrittweise Integration der Beitrittsländer in die Außen-, Sicherheits- und Verteidigungspolitik der EU – der strukturierte Dialog ungleicher Partner', in Barbara Lippert, ed., *Osterweiterung der Europäischen Union – die doppelte Reifeprüfung*, Bonn 2000.

<sup>6</sup> Paul Luif, 'Empirische Analyse der Gemeinsamen Außen- und Sicherheitspolitik (GASP) Der Europäischen Union am

Beispiel des Abstimmungsverhaltens der EU-Mitgliedstaaten in den Vereinten Nationen', Projektbericht an das Bundesministerium für Landesverteidigung, Vienna 2002, p. 24. According to Luif's findings Malta, Cyprus (and Turkey) are traditionally the most distant from the EU.

<sup>7</sup> This is why the Political Committee's 1996 guidelines for enhanced political dialogue with the associated countries exclude such texts from the alignment process. Dunay op. cit., p. 9.

<sup>8</sup> According to the Council website, as of 1 November 2003, 79 declarations were passed in this period and all

state the ten accession states join the text (except for one, on Columbia (7 May 2003) which seems a purely technical failure).

<sup>9</sup> References in the Council Conclusions to certain items from which the acceding countries are excluded do not suggest differences on substance but cover issues of EU procedures.

<sup>10</sup> This is the term used by Udo Diedrichs and Wolfgang Wessels in 'Die erweiterte EU als internationaler Akteur. Für eine gemeinschaftsorientierte Flexibilitätsstrategie', *Internationale Politik* 1 (2003).

**Table 1: Alignments of the CEECs with EU Statements or Presidency Statements on Behalf of the EU, 1995-2002**

Year	Total Number	Alignment CEEC	Percentage
1995	106	27	25.5
1996	110	30	27.3
1997	122	35	28.7
1998	149	58	38.7
1999	115	59	51.3
2000	175	122	69.7
2001	175	124	70.9
2002	181	130	71.8

Source: based on documents of the Council's General Secretariat; *EU Bulletin* 2000-2002.

**Table 2: Alignments of the CEECs with Common Positions, 1995-2002**

Year	Total Number	Alignment CEEC	Percentage
1995	13	0	0.0
1996	9	6	66.7
1997	13	2	15.4
1998	22	13	59.1
1999	18	11	61.1
2000	17	9	52.9
2001	20	11	55.0
2002	23	9	39.1

Source: based on documents of the Council's General Secretariat; *EU Bulletin* 2000-2002.

## The Impact of the New (Post-Communist) EU Member States on the CFSP

**Jiri Sedivy, Director, Institute of International Relations, Prague, Czech Republic**

The EU is heading towards an enlargement that is historically unprecedented both in scope and in the diversity and heterogeneity of the future member states. In assessing the future impact of the new members on the CFSP, one should keep in mind the following factors:

- The geographical extent of the enlarged Union will bring new geopolitical perspectives and diverging geopolitical/national priorities and/or interests into the EU. The same goes for wide disparities in threat perception.
- Added to this are the different security cultures of the new members, the different prisms through which each sees its security situation and defines its strategies. It may thus become more challenging to orchestrate truly 'common' foreign and security policies in the enlarged EU.
- Most of the incoming members are small or smaller countries (Poland is the only exception), and all are relatively poor (that is, below the EU average income). The entrants will inflate the EU population by 20 per cent, but their aggregate economic contribution will add only about five per cent to the EU's GDP.
- Out of the ten new members, eight are post-communist states. Furthermore, six are relatively new states, having (re)established their statehood only in the beginning of the 1990s after their institutional continuity was more or less damaged under foreign rule.
- None of them had ever had overseas colonies.

One can only speculate to what extent the current behaviour and attitudes of the incoming post-communist members, as seen during the negotiation at the Convention on the Future of Europe or during the Iraq crisis (two of the most recent pre-accession experiences), can be extrapolated towards future. What might we expect from them?

In general, the fears that their past experience with forced integration into the Soviet bloc, in combination with their freshly-acquired

sovereignty, would make them reluctant to accept deeper integration and the pooling of sovereignty within the EU seem to be unsubstantiated. In reality supranationalism is viewed as a safeguard for smaller states against the dominance of the larger states. Their citizens are quite open to the notion of a European identity, which helps them to differentiate themselves from their communist past.

While the new members will most probably be pro-integration oriented and reform-minded in the EU's wider institutional debate, they will be more conservative in the area of CFSP. Still, a gradual re-balancing of the current pro-Atlantic bias can be expected in due course as they are fully integrated and socialised into the EU. Yet one can still expect strong resistance by the new members to attempts to communitarize CFSP/ESDP or to detach it from NATO. The Alliance will remain their first security reference point in the foreseeable future, as well as their preferred collective defence guarantee. But behind the pro-US rhetoric of their governments during the Iraq crisis, more than two thirds of their citizens were against military action without a UN mandate. Similarly, the popularity of the US has been falling in those states, not as sharply as in Germany or France, but substantially indeed. Rather than following instructions from Washington – as some disciples of the 'US-Trojan-horse theory' fear – they will watch London in the CFSP/ESDP area.

The voting pattern of the future members in the UN has shown an unambiguous convergence with that of the EU states over the last decade. The same holds for their alignment with CFSP positions and *demarches*, which they have supported overwhelmingly whenever invited to do so. Most of those cases were of minor importance, thus easy to be associated with. On big issues such as the Balkan wars or Middle East crises, where there has been no consensus within the EU itself, the accession states just joined one side of the division already existing in Europe.

All carry an idiosyncratic burden of historical experience. What unites them in this respect is a certain suspiciousness towards Russia, and scepticism about grand visions and transcendental projects. Therefore they will moderate the pro-Russian enthusiasm that



sometimes radiates from some European capitals. Poland will be the leading initiator of a new eastern policy for the EU, suitably so because of both its expertise (including its unparalleled research background) and its geopolitical weight in the region.

Having been exposed to several projects to bring about some sort of a heaven on earth, the new members will be pragmatic regarding the European *finalité*, preferring a bottom-up, empirical approach rather than far-reaching ambitious visions. Also rooted in their experience will be a higher sensitivity for the agenda of human rights. For instance, the Czechs are now actively organising international pressure on Cuba, with their former president Vaclav Havel leading the initiative. Both the Americans and the EU have welcomed this activity.

Their fresh experience with a complex - that is, political, economic and social - transformation from totalitarianism to democracy provides them with a comparative advantage in two respects. Firstly, they are used to change, know how to absorb it and will therefore be more flexible about a further transformation of the EU. Secondly, they will be able to share their transformational and/or nation- and state-building know-how with others. These may be other aspirants on membership in the EU, or non-European countries helped by the EU and/or NATO in their own efforts to liberalise

and democratise, as in the framework of post-conflict reconstruction.

In view of their restrictive budgetary conditions, plus the efforts of most of them to qualify to join the eurozone, one can expect that pressures upon defence budgets will increase after their entry into the EU. Their military capability contribution to the Helsinki headline goal will be limited and double-hatted with NATO.

Given the fact that all the post-communist entrants are still coping with the problems of their institutional building, one can expect they will have problems keeping pace with the intensive bureaucratic traffic in the EU. In the initial years of their membership they will not be able to send an adequate number of qualified staff to all the EU institutions that will be open for them. A brain-drain of internationally compatible and interoperable staff from their national institutions into the EU institutions will weaken their domestic capacity to produce timely positions on a wide variety of issues on the agenda. This might have two effects: either a degradation of the effectiveness of the decision-making and implementation process within the EU or, even more likely, increasing influence of the more efficient members over the less efficient ones.◇

## ESDP: A View from Poland

**Przemysław Żurawski vel Grajewski, Foundation for European Studies, European Institute, University of Lodz, Poland**

This article considers three questions: What are Polish security interests?; Why does Poland oppose the CFSP/ESDP provisions in the draft constitutional treaty?; How might CFSP/ESDP help protect and promote its security interests?

### **Polish security interests**

Poland has two main foreign policy priorities:

- a) to prevent the reintegration of the post-Soviet area under Russian domination;
- b) to maintain close cooperation between the US and EU in building a common security structure.

To secure them Poland needs to be fully represented in all the EU decision making forums and cooperation structures dealing with the security of the continent.

The reestablishment of Russian control over Ukraine and the stabilisation of control over Belarus would re-create a material base for neo-imperial ambitions that are still present in Moscow. This is why the independence and westernisation of Ukraine and, if the internal conditions of the country allow, of Belarus are crucially important for Polish security. Warsaw will therefore promote the eastern dimension of the EU, based on the northern one, and cooperate with the Visegrad countries, Baltic states and possibly Romania (regarding Moldova) when it enters the EU. The contradiction with the Mediterranean priorities of France, Italy and Spain is obvious. While cooperation with Germany will be complex

(given Germany's *Russia first policy* versus Poland's *Ukrainian priority*), the Nordic states seem to be promising partners.

The replacement of US domination in the Euro-Atlantic security architecture with a Franco-German tandem supported by Russia is contrary to Polish interests. The experiences with Franco-German support for the Russian position against the Polish one during renegotiations on the CFE treaty in the mid-1990s, the declaration of the French and German Ministries of Foreign Affairs in summer 2000 excluding Ukraine from the European integration process 'in order not to isolate Russia', Chirac's promise to Putin in summer 2002 on transitional corridors from Kaliningrad to mainland Russia across Lithuanian territory, and so on, convince some Polish elites that such cooperation will be at the expense of Polish national interests.

From a Polish point of view, the ESDP must not be based on anti-American sentiments. This would be dangerous and could result in the destruction of transatlantic unity, which has guaranteed peace in Europe for the last half century. That does not mean that ESDP is useless. It may be useful for solving the burden-sharing problem in transatlantic relations. But it should not replace the US/NATO role in crisis management. The EU can lead post conflict stabilisation missions, but without American logistical help and political leadership, European states will not be able to act in a real war in the foreseeable future.

### **Why does Poland oppose the proposals for enhanced cooperation in the ESDP?**

Poland questioned the proposals for enhanced, 'structural' cooperation for three reasons:

1. They aim to create a closed structure, since the accession of any new EU member state to the co-operation initiative will depend on the decision of the founding members.
2. Only the participating states decide on the matters covered by co-operation (i.e. European security issues), thus excluding Poland from decisions.
3. The distinction between participating and non-participating states is based on unclear principles (*high military capability* cannot be treated seriously if Luxemburg is to be a founding state of the 'internal union').

'Closer' cooperation in defence, although it differs from 'structural cooperation', is also opposed by Poland. The draft constitutional

treaty proposes collective mutual defence in case of armed aggression on the co-operating states territory. That structure is open to all EU members but it still doubles NATO's function without having NATO's resources. The draft treaty is silent about the reaction of the EU or 'internal union' in the case of aggression on a non-participating state.

The entire project seems to be based on the idea of a 'European directorate', which aims to exclude Atlanticists from the core of a European security structure. The idea is dangerous for European unity and CFSP/ESDP. One cannot build an effective CFSP/ESDP on the arbitrary exclusion of some EU members from the structure, and on rivalry with the US. Creating hard lines of division among the EU member states and forcing newcomers to accede to the 'internal union' is the best way to destroy not only the ESDP but the CFSP as well.

### **Is the CFSP/ ESDP a means to promote Polish security interests?**

Poland is a large state of a scale similar to Spain. Therefore only a great power is potentially able to threaten Polish independence or territorial integrity. The only power that may be considered as a potential source of such a threat is Russia and therefore Poland needs a strong American presence in Europe. This statement is based on the conviction that:

1. CFSP aims to export stability by diplomatic, economic and military means, and therefore should not be considered a tool of collective defence.
2. CFSP has three main dimensions (diplomatic, economic and military) and should not be seen through the prism of ESDP exclusively. An over-militarised image of the entire structure does not reflect reality.
3. ESDP is *in statu nascendi* now. Its future shape and the timetable of its creation is neither sure nor stable. The level of EU military ambitions is determined by the Petersberg tasks. All of them have the nature of out of area - expeditionary intervention missions - and are mostly characterised by low combat intensity.

Poland has no national interests that could be defended by medium scale (as planned within the ESDP) military operations in her neighbourhood. This is why the observation that decision making process (unanimity principle) of ESDP is ineffective (time-consuming procedures, slow response speed, 'soft solutions' based on compromise among the members, and inability

to undertake bold and hard actions even if necessary) is the one Poland can live with.

The EU's capacity to adopt coherent common decisions is (will be) counter proportional to the degree of the bitterness of the problem in question. The more divisive an issue is, the less likely the Union will adopt a common position. The decision-making process is complicated by differences between the national security priorities of EU member states. Those priorities are determined by geographical factors and therefore are generally unchangeable. The EU lacks a natural dominating power able to take decisions and push them through the EU decision making structures, and then to maintain the adopted political line long enough

to reach the planned goals. There are no examples of EU determination to act. The Franco-German-Belgian-Luxemburg coalition on Iraq was based on the call **not to act** and not **for action**. The CFSP is quite an effective tool for dealing with long-range policies based on economic or diplomatic activity aiming at slow changes in a given area (the *Tacis* and *Meda* programmes, Stability Pact for the Balkans, etc.). But it is and will be a poor instrument for crisis management especially if the crisis has a military nature (post-Yugoslav wars, Iraqi war). In other words CFSP is effective in those dimensions that are crucial for Polish interests and ineffective in the one that is not a Polish national priority. It is obvious we can live with that.◊

## Enlargement and Southeastern Europe: Will There Be A 'Next Round'?

**Spyros Economides, Lecturer in International Relations and European Politics, London School of Economics, London, UK**

Enlargement has emerged as a key instrument of the EU's foreign policy and a successful one at that. Nevertheless, the prospects are that the EU could be the victim of its own success. An EU-25 may be on the horizon, but it will be an EU which has a difficult time in adjusting to the internal and external reverberations of 'big bang' enlargement.

On 5 November, the Commission published its latest 'report cards' on the ten accession states. Despite Commissioner Verheugen's comment that this was the 'best prepared' round of enlargement, none of the new entrants was spared a rap on the knuckles. The most serious criticism for delays in adjustments and reforms was reserved for Poland; Slovenia and Lithuania came out with guarded 'best students' commendations. All in all 39 different issues and sectors of concern were raised by the Commission on which it desired progress by next May. The 'Ten' have assured entry, but if this 'best prepared' of rounds – ambitious as it is – continues to generate a multitude of sticking points, serious questions persist not only about the EU's ability to cope with this enlargement but also about the prospects for subsequent rounds.

The current intergovernmental conference (IGC) is, among other things, deliberating institutional

and constitutional reforms aiming to smooth the process of absorbing the accession states. The confluence of the 'big bang' and the IGC will inevitably create new political and institutional realities within the EU which will need time to take root and will have implications beyond the EU's borders. As a consequence a big question mark now hangs over the likelihood of short-term future enlargement, particularly with respect to southeastern Europe.

The Commission, and many member governments, would like to have us believe that further enlargement remains high up on the external relations agenda. In tandem with the report on the new entrants, the Commission also released its report on *Continuing Enlargement* with respect to Bulgaria, Romania and Turkey. While the report on Turkey hogged the headlines, at least in the British press, due to the reference to the 'absence of a (Cyprus) settlement [which] could become a serious obstacle to Turkish aspirations' for candidate status, the progress of Bulgaria and Romania in meeting the conditions of the Europe Agreements received some very guarded optimism.

A post-IGC, post-big-bang, EU-25 will pose enough problems and will generate enough reservations for further enlargement: the slow progress of Bulgaria and Romania in meeting accession criteria is a major stumbling block in its own right. These two candidate states may have achieved provisional closure on 26 and 21 of the 31 chapters of the accession negotiations respectively, but the Commission's progress report was not without strong criticism. The main concern voiced in

relation to both candidates was the weakness of administrative and institutional capacity for the implementation and regulation of necessary reform and legislation. Corruption and the mismanagement of EU financial assistance also figured prominently on the list of problem areas. While Bulgaria received some praise for economic reform, Romania's performance in this field was deemed less satisfactory and will come under severe scrutiny in the near future.

The stated goal of accession for Bulgaria and Romania by 2007 would require negotiations to conclude in 2004 and the signature of Accession Treaties by late 2005. In light of the reservations raised in the Commission's report and the consequences which will inevitably arise from the current round of enlargement (which will require 'adaptations' to the existing Europe Agreements across a wide range of sectors) and the conclusion of the IGC, the prospects for their accession in 2007 grow dimmer.

There is an added element which has further muddled the waters for Bulgaria and Romania and that is Croatia's early application for membership, presented in February 2003. Already a signatory of a Stabilisation and Association Agreement (in October 2001), Croatia's formal application is a further distraction from the Bulgaria and Romania accession negotiations. The Commission will not provide an opinion on this application until spring 2004 but with support of powerful member governments it is not unlikely that in an attempt to include Croatia alongside the Bulgarian and Romanian candidacies, the accession process of the latter two will be slowed down while the former 'catches up'.

Croatia's application, in conjunction with the future implications of 'big-bang', also has significant consequences for the enlargement process with respect to the Western Balkans. A cornerstone of the EU's Stabilisation and Association Programme (SAP) for the Western Balkans, and its strategy for the region in general, has been that of regional co-operation and the desire to see a regionally-coherent procession towards candidate status. This key condition has now been dealt a severe blow by Croatia's 'go it alone' tactics and caused some antagonism among the other Western Balkan countries. In turn, the slow progress made in meeting EU conditionality criteria by the other Western Balkan states has resulted in a general slowing down of the process of establishing the platform for extending 'European integration' to

the region. While the Western Balkans are still hampered by the need for the maintenance of an international military presence in Bosnia and Herzegovina, a civilian and military presence in Kosovo (and lack of progress for and final status for Kosovo), and political and economic instability in Serbia and Montenegro, the EU's regional strategy has been found wanting. As much was recognised at the Thessaloniki European Council, where it was decided to go beyond the existing SAP and recommend the foundation of a European Integration Partnership for the Western Balkan countries. How this builds on and goes beyond the existing SAP without being a repackaged duplication of the existing 'road maps' for individual prospective candidates and the region, is unclear. What is clear is that both the underperformance of the Western Balkan states in meeting EU criteria and the EU's own uncertainty in its Western Balkan strategy do not bode well for the prospective candidacy of the region's countries.

Bearing in mind the time needed to assimilate and manage the consequences of the current round of enlargement and the IGC, does the EU have the stomach for further enlargement where key geopolitical as well as economic and political concerns are not paramount? Arguably the current round of enlargement was 'fast-tracked' to bring the CEECs into the fold as rapidly as possible for reasons which stretch across the breadth of the considerations mentioned above. Perhaps even the Baltic states benefited from the same logic, while Cyprus, Malta and Slovenia were carried along in their slipstream. Despite pressure from some EU member governments – and the US for geostrategic reasons – it seems unlikely that Bulgaria, Romania or even Turkey will benefit from the same logic and be granted the same preferential treatment. The states of the Western Balkans – including Croatia – lag even further behind in the accession process. While there may be further rounds of enlargement, it is evident that the process will rapidly acquire a new logic which could result in a dramatic slowing down in the process as the EU internalises the implications of current reform and expanded membership. If this is the case it will necessitate the formulation of a credible and forceful set of policies towards the countries of southeastern Europe to stave off the wave of mistrust, if not antagonism, which are bound to emerge and which will be detrimental to the very process of 'Europeanisation' in southeastern Europe. ♦



## The Current Enlargement Process of the EU and Turkey's Position

**Cigdem Nas, Assistant Professor, European Community Institute and Department of EU Politics and International Relations, Marmara University, Istanbul, Turkey**

The current enlargement process of the EU is one of the most ambitious and complicated endeavours of European integration. The seeds of this process were sown in the twelve years that have passed since the first Europe agreements. The eight central and east European countries that are about to become members of the EU and the two other East European states that are still negotiating have undergone major transformations since then, in all areas including the establishment of institutions guaranteeing democracy, human and minority rights, restructuring of economic and technological infrastructure, and adoption of the *acquis communautaire*. In this sense the candidate countries embarked on a reorientation of their legal, social, economic and political systems. The target of this transformation was eventual integration to the western part of the continent through the membership of the two most vital organizations, the EU and NATO. The uniting of eastern and western Europe was usually referred to in a political discourse that talked of 'rejoining the West', 'returning to Europe', and 'overcoming the division'.

The enlargement process gives a clear message to the rest of the world, and especially to a country like Turkey that is in a precarious position as the thirteenth candidate: the EU is redrawing the boundaries of Europe, determining who is in and who is out in the process. Regarding eastern enlargement, the EU first established the basis of this process on a moral 'kinship-based duty', in the words of Helene Sjursen,<sup>1</sup> determined the criteria to be achieved and then set up specific programmes and actions targeted at central and eastern Europe with the aim of elevating the designated countries to that level. Such action amounted to a high level of financial, legal and technical assistance from the EU. This is not to say that these countries were only passive subjects of the enlargement policy of the EU: enlargement was based on mutual expectations and common understandings. Overall, enlargement may be seen as a project that had a clear mission based on a cultural, political, geo-strategic and economic rationale and that project included the

countries of central and eastern Europe. Added to the bandwagon was the scheduled membership of two micro European states, Malta and the Republic of Cyprus, which may be seen as strengthening the southern dimension of the EU.

Concomitant with enlargement, the EU engaged in a process of deepening. The process started with the Treaty on European Union and continued with the Amsterdam and Nice treaties. Since the Laeken meeting of the European Council, the constitutional question has been on the agenda of the EU leading to the convening of the Convention that produced the draft constitutional treaty. Political leaders of the member states such as Joschka Fischer, Tony Blair, Jacques Chirac and Guy Verhofstadt, among others, contributed to the debate on the future of Europe that aimed at giving a final shape to 'the ever closer union'. The outcome of this process is important for the fate of the enlarged EU. But the outcome is in turn related to enlargement, since the enlarged EU will be much more different than the EU of today.

Will the debate on the future of Europe produce a European federation? According to Jan Zielonka, the future of the enlarged EU is a 'neo-medieval' structure rather than a 'post-Westphalian' one.<sup>2</sup> This is evident from the fact that the integration process is progressing via alternative routes, involving the use of opt-outs and formulas for variable geometry as seen in EMU, CFSP and the area of freedom, democracy and justice. As the EU has expanded to new policy areas, the homogeneity of membership was compromised. One of the most recent manifestations of the diverging views among the member states was experienced during the Iraqi war when Spain and Britain preferred to ally with the US while Germany, Belgium, Luxembourg and France took a line against the US case for overthrowing Saddam Hussein by military intervention. It may be hypothesised that the new entrants will further complicate the integration process. Differences of opinion and differences in implementation of the *acquis communautaire* will make a single-speed Europe less likely. In this sense, the emergence of a Westphalian macro-state is not likely because of the divergence among the current and future member states in terms of political culture, historical processes, socio-economic structure, legal systems and bureaucratic traditions. As argued by Charles Pentland, the EU of the future will be a 'post-Westphalian regional state' displaying a distinct



form of supranational governance.<sup>3</sup> However, despite the emergence of a multi-speed EU, the gradual alignment of economic, monetary, foreign and security, as well as border and internal security policies may lead to the strengthening of the EU as not only an economic but also a political and strategic actor in the medium term. Thus the EU of the future will be based on a unified Europe – i.e. almost all European countries as members - free of internal borders with freedom of movement for goods, persons, capital and services. It will have a rapid reaction force with the capacity to be deployed in the near abroad for humanitarian and crisis management tasks. The member states will increasingly align their foreign and security policies and act together concerning global issues. In this sense although the method of integration will be more flexible, diffuse, and patchy, the core of the EU will become more integrated.

Although the issue of Turkey's eventual membership to the EU is by no means settled yet, it may be said that Turkey has advanced to a considerable extent in its efforts to integrate into the EU. Turkey has an association agreement with the EEC that dates back to 1963; it has been in a customs union with the EC since 1996; it is part of many EU programmes and activities. What is more important is that Turkey is undergoing a legal, political, and social transformation both to meet the Copenhagen criteria and to align its legislation with that of the EU. In this sense it is part of the EU system of governance. Therefore not being a member does not mean exclusion from the integration process.

Still the process of accession is important in itself. Despite the flexible and unconventional nature of the progress of the EU the decision concerning membership is significant. Membership means being part of the unified Europe and being represented in the institutions and the decision-making mechanisms of the EU. If the EU represents the good life, then non-membership means exclusion from the good life. The non-fulfilment of the goal of eventual membership has many internal and foreign policy repercussions both for the EU and the state concerned. In this sense, one may envision two immediate scenarios that will shape Turkey's relations with the enlarged EU. One is that negotiations will start in 2005, and Turkey will be part of the unified Europe in the medium term. Second, Turkey's prospect of membership will be denied and Turkey will be included within the EU's near abroad policy.

In both cases Turkey will not be a member in the near future, say in ten years' time. However, there is an important difference between the two scenarios. In the first one, Turkey's integration to the EU would be moving ahead into new areas and the enlarged EU would be one that would have decided to open negotiations with a predominantly Muslim but secular country. However, the second scenario is graver. This time the EU would mean a unified Europe on the doorstep of Turkey, whose identity would be determined by excluding Turkey from the ever-deepening integration process. This preference would indicate that the basis of the EU would have depended not only on the Copenhagen criteria but also on cultural and Christian values thus turning the EU to a neo-medieval Empire not only in the organizational sense but also in terms of rejection of the cultural other. Thus Turkey's standing vis-à-vis the enlarged EU will very much depend on the fate of Turkey's prospects of EU membership. In any case, in the immediate future Turkey will have to deliberate, negotiate and resolve some outstanding issues - such as Turkey's fulfilment of the Copenhagen criteria and the status of the Turkish Republic of Northern Cyprus - with an enlarged Europe that will become more diversified and multi-faceted.◊

<sup>1</sup> Helene Sjursen, 'Why Expand? The Question of Legitimacy and Justification in the EU's Enlargement Policy', *Journal of Common Market Studies*, vol. 40, no. 3, 2002.

<sup>2</sup> Jan Zielonka, 'How New Enlarged Borders will Reshape the EU', *Journal of Common Market Studies*, vol. 39, no. 3, 2001.

<sup>3</sup> Charles C. Pentland, 'Westphalian Europe and the EU's Last Enlargement', *European Integration*, vol. 22, no. 3, 2000.

# An Assessment of the Draft European Constitution: CFSP/ESDP Provisions

Fraser Cameron, Director of Studies, The European Policy Centre, Brussels, Belgium

## Summary

The various articles on external affairs are grouped together under Title V of Part III and run to 22 pages. There is also specific mention of CFSP in articles 15 and 39 and ESDP in article 40 of Part I. Bringing the articles together improves transparency but each policy area is subject to different rules and instruments which impedes transparency. Overall, the external affairs articles are an improvement on the existing situation but it is doubtful whether they provide a sufficiently solid base for the Union to meet the growing array of challenges it faces in the global arena. There will be a new double-hatted EU foreign minister but all important decisions will still be taken by consensus. In a Union of 25 plus this could be a recipe for inaction. On the defence front, there are complicated provisions for enhanced or structured cooperation. There is a mutual solidarity clause to cover terrorist attacks and a mutual defence clause for some member states. The main impetus for further integration may come from the draft articles allowing the eurozone countries to have their own external representation. The Convention's work on CFSP/ESDP was of course overshadowed by the open disarray displayed by member states in the run up to the Iraq war. The open splits demonstrated that institutional changes alone will not create a genuine CFSP in the absence of political will to reach common policies.

## General Principles

The Union's guiding principles on external affairs are to reflect those underpinning its internal development, namely democracy, the rule of law and human rights. The aims of external policy include strengthening multilateral cooperation (especially via the UN framework) and good global governance, sustainable development, free trade, conflict prevention and eradicating poverty. In short, a large helping of motherhood and apple pie.

The elusive goal of consistency is to be promoted by closer cooperation between the

Council and Commission. Certainly the creation of a new double-hatted EU foreign minister should help promote greater consistency. But it will be a major task to ensure coordination across all strands of external policy.

## Defining Interests and Objectives

The European Council is tasked with defining the strategic interests and objectives of the EU and providing regular threat assessments. Common strategies and joint actions disappear, to be replaced by European Council decisions that basically amount to the same thing. The Council, acting unanimously, decides on the objectives, means, scope and duration of a decision. The president of the European Council may call emergency meetings if the international situation so requires. He is supposed to represent the Union 'at his level' but it is not difficult to imagine turf battles with the other actors – president of the Commission, EU foreign minister and the leaders of the larger member states. As before, member states are requested to support the CFSP in a spirit of loyalty and mutual solidarity and refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness in international relations. The Council and the EU foreign minister are supposed to ensure compliance with these principles. The Iraq crisis revealed the limits of loyalty and mutual solidarity, and time will tell if the lessons of the Iraq crisis have been learned.

## EU Foreign Minister

Against the advice of both Solana and Patten, who argued that the present system, although not perfect, worked well, the Convention agreed to establish a new position of EU foreign minister with two hats. S/he will be both a Vice President of the Commission and responsible to the Council. S/he will chair the meetings of foreign ministers, enjoy a right of initiative (either alone or with the support of the Commission) and be responsible for implementing EU decisions. In addition, s/he will represent the Union to the outside world, conduct political dialogues with third countries and speak for the Union in international organisations (including the UN Security Council when there is a common EU position) and at international conferences on CFSP issues. It all adds up to quite a job description. S/he will have recourse to a new European external action service (a declaration leaves it to the Commission and Council to agree the modalities – which will be interesting to observe!). This will include the large network of Commission

delegations abroad which will now be EU delegations and their heads will speak on behalf of the Union where there is an agreed position. There is stronger encouragement for embassies and delegations of member states in third countries and in international organisations to intensify their cooperation by providing joint assessments and by formulating a common approach.

### Decisions

Common strategies and joint actions are replaced by decisions that commit member states to follow the agreed EU policy. Any member state or the new foreign minister may submit proposals to the Council. Unanimity is the general rule but abstention is possible, though if more than a third of weighted votes are cast in favour of abstaining, the proposal fails. QMV is only foreseen for implementing decisions, for the appointment of special representatives and when adopting a decision on the initiative of the EU foreign minister further to a request from the European Council. The European Council may expand the scope of QMV – by unanimous decision – but not to cover defence matters. This is a principal weakness of the new treaty. With 25 plus member states, the retention of the veto in CFSP could be a recipe for indecisiveness and inaction. The Commission, supported by some member states, hopes to change this in the IGC.

### Institutions

Strangely, MEPs did not push for a greater role for the **European Parliament** in CFSP/ESDP. The EU foreign minister is obliged to consult and inform the EP on the main aspects and basic choices of CFSP/ESDP. The EP may also receive briefings from EU special representatives. Twice a year there will be a debate on the implementation of CFSP/ESDP. It would have been relatively easy to improve parliamentary oversight: for example, the twice yearly debates could take place in national parliaments at roughly the same time so that there could be a genuinely pan-European debate on CFSP. The EP may maintain some control over CFSP with its big stick of budgetary control.

The **Commission** is further marginalized in the draft treaty. It loses its previous right of initiative (an initiative it hardly ever used). Exactly how the EU foreign minister fits into the Commission structures remains to be seen. Will s/he chair a group of Commissioners covering external relations in addition to chairing the foreign affairs Council?

The **Political and Security Committee** (PSC) is to monitor the international situation, provide input, political control and strategic direction of crisis management operations. The Council may delegate additional powers to the PSC. The PSC has been steadily gaining in power and influence because of the sensitive and highly political nature of the dossiers it discusses and the need for political/military expertise.

**Union delegations** to third countries and to international organisations shall represent the Union. This amounts to an upgrading of the existing Commission delegations. The merging of the external relations bureaucracies in Brussels will be a difficult process. The question of an EU diplomatic services remains open.

### Defence

The Petersberg Tasks (peacekeeping, peace enforcement and support for humanitarian operations) are extended to cover joint disarmament operations, military advice and post conflict stabilisation. All these tasks may contribute to the fight against terrorism. The Council may ask a group of member states 'with the necessary capability and desire' to undertake certain tasks on behalf of the Union. Those member states with high military capabilities are permitted to enter into structured cooperation and accept more binding commitments. But the criteria are not spelled out and it is difficult to understand why the admonition that member states 'should progressively improve their military capabilities' is in the draft treaty. The IGC has been tasked with drafting the protocol on structured cooperation on defence. This will need to be approved by all member states which may cause some problems. There are clearly different ambitions in the defence field, witness the so-called 'chocolate summit' (between France, Germany, Belgium and Luxembourg) in Brussels. There is a new mutual solidarity clause in case of terrorism and natural disaster. There is also provision for a mutual defence clause (basically taking over the WEU commitments) which would be open to all. The text stresses that this would not affect relations some member states have with NATO.

A European Armaments, Research and Military Capabilities Agency is to be established to monitor the capability commitments of

member states, to promote harmonisation of procurement, multilateral projects, and defence technological research, and to identify ways to ensure more effective military expenditure. The Council can decide by QMV on its statute, seat and operating rules. Potentially this agency could provide a significant impulse to more sharing on the procurement side.

### **Finance**

All expenditure except that for military operations will be charged to the EU budget. Military operations will use the gross national product scale. The EU foreign ministers will also have available a start up fund for preparatory tasks related to crisis management (apart from EP scrutiny?). The Council is to decide by QMV the size of the fund, the procedures for its operation and financial control mechanisms.

### **Policies**

The Union will have exclusive competence for all aspects of **commercial policy** including services, intellectual property and foreign direct investment. The veto remains, however, as regards trade in services involving movement of persons and the commercial aspects of intellectual property, plus cultural and audiovisual services 'when such agreements risk prejudicing the Union's cultural and linguistic diversity'. The EP sees its powers enhanced in trade matters with its assent required for all international commercial agreements.

The main long-term aim of **development policy** is poverty eradication. Union and member states' policies are to be complementary and mutually reinforcing. To that end they should consult and coordinate their policies. The Union should take account of the objectives of development cooperation in other policies that it implements. There were fears amongst the development NGO community that foreign and security policy considerations would override the commitment to poverty eradication.

**Economic/financial/technical assistance** policies should also be consistent with the Union's development policy. Decisions on urgent financial assistance may be taken by QMV. The rights of member states in international bodies are not affected by any agreements signed by the Union.

**Humanitarian assistance** is to be carried out under the principles of impartiality and non-discrimination. A European Voluntary

Humanitarian Aid Corps is to be established with the EP and Council determining its rules and operation. It might have made more sense to establish a EU Peace Corps. Humanitarian assistance operations can be dangerous.

Specific mention is also made of cooperation with the UN, Council of Europe, OSCE, and OECD.

### **International Agreements and Restrictive Measures**

With its new legal personality the EU can now sign international agreements. The Council decides who should be the lead negotiator. There are very complicated rules for possible agreements regarding the exchange rate of the euro. Potentially the most significant development is the proposal that the eurozone countries may establish their own external representation, which could eventually lead to an EU seat in the IMF and other bodies.

Decisions on restrictive measures (sanctions) are to be taken by QMV following a joint proposal from the EU foreign minister and Commission.

### **Conclusion**

The new articles represent a very cautious approach to external affairs. The pillars may be abolished but the inter-governmental procedures for CFSP and ESDP remain. There is still no sign of the members states being willing to share sovereignty in this sensitive area. It remains to be seen whether the very negative impact of the Iraq crisis on EU solidarity may in due course have a positive outcome. Even more important than structures and treaty articles are political will and leadership. Solana has shown remarkable powers of initiative and leadership despite having a virtually non-existent treaty basis for his activity. In the end, however, the member states have to demonstrate the political will to work together if the Union is to achieve its ambitions in the global arena. The agreement of the European Council in June to endorse the first Solana European strategy document is an encouraging sign. ♦

## Recently-published and forthcoming books and articles on European foreign policy

**Editor's note:** Following on from the tradition set by the original CFSP Forum, the Forum highlights new books and articles on European foreign policy. Please send details of new publications to [fornet@fornet.info](mailto:fornet@fornet.info).

Agnieszka Nowak, *L'Union en action: la mission de police en Bosnie*, Occasional Papers of the EU Institute for Security Studies no. 42, Paris 2003.

Robert Cooper, *The Breaking of Nations: Order and Chaos in the Twenty-First Century* (Atlantic Books, 2003).

Elfriede Regelsberger and Mathias Jopp, 'GASP und ESVP im Verfassungsvertrag – eine neue Angebotsvielfalt mit Chancen und Risiken', *Integration* 4/2003.

Elfriede Regelsberger, 'Gemeinsame Außen- und Sicherheitspolitik', in Werner Weidenfeld and Wolfgang Wessels, eds, *Jahrbuch der Europäischen Integration 2002/03*, Bonn 2003.

Frank Schimmelfenig, *The EU, NATO and the Integration of Europe: Rules and Rhetoric* (Cambridge University Press, 2003).

Michael E. Smith, *Europe's Foreign and Security Policy: The Institutionalization of Cooperation* (Cambridge University Press, 2003).

*WeltTrends* (Potsdam), issue no. 40 on transatlantic relationships, and issue no. 41 on European foreign policy.