

CFSP Forum

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Note from the Editor

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This issue first tackles the challenge of leadership in EU foreign and security policy, and contains two articles on 'directoires', one by Christopher Hill and the other by Bastian Giegerich. Annegret Bendiek then examines the democratic deficit problem in the financing of the CFSP/EDSP.

The issue concludes with two new kinds of *CFSP Forum* 'content'. The first is a chronology of the EU and Lebanon, compiled by Sarah Tzinieris. Given the recent war between Israel and Hezbollah, readers might find such a chronology useful. The second is a table, which I compiled, of the geographic spread of CFSP and ESDP decisions. Again, readers might find it useful to see where most CFSP/ESDP legislative activity is taking place.

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The Directoire and the Problem of a Coherent EU Foreign Policy

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European foreign policy has always had to face the twin problems of leadership and coherence. One response to what has often been perceived as a leadership vacuum has been, from the early 1980s, the tendency to form a 'directoire', or inner leadership group. This has usually consisted of Britain, France and Germany, although its membership is inherently variable, and contested. Such a tendency has in itself caused extra, and different, problems of incoherence from those already plaguing European foreign-making.¹

The French term *directoire* refers to a 'collegial organ having governmental functions'.² It is particularly associated with the Directory which governed post-revolutionary France for four years from 1795 in authoritarian (and bellicist) style. The Directory provided collective leadership through an executive of five Directors who, gradually losing cohesion and continuity, fell to Napoleon's coup d'état of 18 Brumaire (9 November 1799).

European Union foreign policy, or European Political Cooperation (EPC) as it was known before 1993, has intermittently been associated with the idea of a *directoire* because of its lack of both a single leader (for example, the Foreign Minister aspired to by the recent draft constitution) and the kind of Community method used in the Common Commercial Policy. Yet since it has never been achieved, the characteristics of the original French version cannot be used as a point

of comparison – which is not to say that they might not become relevant in the future.

By the 1990s 'variable geometry' had become a commonplace prescription for the problem of making foreign policy in a steadily enlarging and more complex EU – and one in which national interests were not fading away. This was far from being the same as a *directoire*. Indeed it implied that smaller states would always have a role in their own area of geographical or historical specialisation, as the Scandinavians were to do with the 'Northern dimension' policy of the late 1990s.³ In the event, however, the most prominent inner groups tended to unite the bigger member states, together with key external players. Thus Spain, though a newcomer, proposed a Big Five grouping to deal with EC/CFSP issues.⁴ This came to nothing, but only two years later, in 1994, a Contact Group of five was set up to deal with the crisis in Bosnia. This included only Britain, France and Germany from the EU, together with the US and Russia. Spain probably did not feel the exclusion sharply, unlike Italy, which focused its whole foreign policy attention on gaining entry to the group, which it eventually did, to little effect, in 1997. It was, indeed, strange that just after the CFSP had been launched with such a fanfare, its major players had chosen to concert outside its framework – just as Germany had acted unilaterally over the recognition of Croatia and Slovenia in late 1991.⁵

The Contact Group was at least drawn as close to regular EU decision-making procedures as possible. Yet other member states were deeply unhappy about the implications for their brand new CFSP, and the existence of the much more serious 'Quint'.⁶ The Quint consisted (and consists) of the European big four, that is including Italy (from 1996), plus the United States. It is thus a development both of the Berlin Group and the Contact Group, enabling the main western allies to consult without the presence of Russia, and to bridge the EU-NATO dividing-line – especially important at a time when the idea of an ESDP was still highly controversial.⁷ The Quint is secretive and not institutionally connected to EU institutions although since 1999 High Representative Javier Solana has, one surmises, had increasing access.⁸ The Quint should be the ideal forum for discussing western policy towards Russia, as in that particular crisis, but also more generally.

What the Quint is not suitable for, however, by definition, is the discussion of European policy towards the United States. To the extent that it

is necessary to coordinate the views of the bigger players on that subject, some other framework has to be found, corresponding much more to the true meaning of the *directoire* – which if it exists at all has to be a purely EU leadership group, and not some ad hoc means of linking together members of competing international organisations. At the least a *directoire* would aspire to run a distinctive European foreign policy. It was the post-9.11 world which brought the issue dramatically to the fore. Europeans were broadly aligned with the United States, indeed in the NATO Article V framework, over reactions to the atrocities in New York and Washington. They remained so over the war in Afghanistan, which meant there was no need for strenuous efforts to shape or deflect American foreign policy. Things changed, however, after the 'axis of evil' speech of George Bush in January 2002, which pointed the finger at Iraq, Iran and North Korea as enemies of the United States through their sponsorship of terrorism. It was immediately clear that the chances of war with all of these states had suddenly increased, a prospect which alarmed all European states.

Over Iraq, had the big EU three managed to coordinate a policy to head off Washington's committed hostility, it would have been more than welcome to the other 12 member states, and to public opinion. It is unlikely that too many complaints about elitism would have been heard. Yet the big three were dramatically divided amongst themselves, which greatly reduced the chances of being able to restrain the US, but also dealt a devastating blow to the image of the CFSP.⁹ This did not, however, prevent the same logic applying to Iran, as the pressure on that country increased during 2003 over its (possible) 'weapons of mass destruction'.

The Iraq war had confirmed the Europeans in the policy of constructive engagement towards Iran which went right back to the revolution of 1979 – a line which had caused sharp disagreements with Washington during the hostage crisis which immediately followed it. In 2003 the prospect of a third war of intervention in western Asia filled even the UK government with foreboding. It thus became a key aim of European foreign policy (as over North Korea) to head the United States away from the path of war, and indeed to persuade Iran not to develop the nuclear weapons programme which was such an obvious provocation (even if, left to themselves, the Europeans would probably have accepted the idea of an Iranian bomb, as they had in the cases of Israel, India and Pakistan).

The EU-3 took it on themselves to act independently of the CFSP, whether because they thought they would not get agreement à 15, or because they feared the inevitable leaks emerging from a cumbersome multilateral process, is not clear. On 21 October 2003, the British, French and German foreign ministers visited Tehran, ten days before the UN Security Council (UNSC) discussions on the subject and in the middle of the discussions on a European Security Strategy. Not only was Spain not invited, which caused comment in Madrid, but even the Italian presidency, and High Representative Javier Solana, found themselves presented with a *fait accompli*.¹⁰ The three told Iran that Europe (sic) would maintain its offer of a Trade and Cooperation Agreement, and accept that Iran should have light-water reactors for electricity generation, but only if Iran complied with the demands of the International Atomic Energy Agency (IAEA).¹¹

This trilateral initiative might have been one form of the 'effective multilateralism' the Security Strategy was calling for, but it was well short of the extended multilateralism embodied by the idea of the CFSP, soon to extend to 25 states. Yet, interestingly, the vital European interest in defusing the conflict trumped procedural concerns, while the three soon brought Solana on board (he visited Tehran in January 2004) – suggesting that his original exclusion may have been to legitimise the snub to Silvio Berlusconi's Italian presidency, Berlusconi by this time being regarded as a loose cannon by his European colleagues. There followed two or more years of tough diplomacy, which are still continuing, with Iran seemingly determined to pursue a bomb, but to string along the EU as it does so, as a means of dividing the west and playing on the increasing doubts in Washington as to whether a major confrontation would be worthwhile. Mark Leonard argued in late 2005 that this European diplomacy had been 'very successful: slowing Iran's nuclear programme, opening it to international inspections, mobilising a global coalition against Iran's enrichment programme, and persuading the United States to abandon its policy of isolation'.¹² Time will tell on the accuracy of these judgements. In the context of the current discussion what can be said is that the Europeans have managed to hold together, rallying behind the EU-3 leadership, and that even if they are 'useful idiots' from the perspective of the hardliners in Tehran, they have achieved the aim of persuading Washington to pull back from immediate military action.

It is notable that the EU-3 did not hand over diplomacy over Iran to the official CFSP channels once they had managed to kick-start it. To be sure, the High Representative has played a much more prominent role, especially in shuttling backwards and forwards, thus creating what David Allen and Michael Smith call the '3+1'.¹³ But the revolving presidency (held through the years 2004-6 by small states, apart from the UK's tenure in the second half of 2005) has not been able to take the main responsibility, not least because of the mistaken expectation that the draft constitution would be ratified and bring an end to this increasingly unloved institution. Indeed, the Austrian presidency of the first half of 2006 had to watch German Foreign Minister Frank-Walter Steinmeier issue a statement on behalf of the P5+1+1 (that is, the permanent members of the UNSC plus Germany, plus Solana) over policy towards Iran, indicating that the *directoire* was at times merging with a new *de facto* contact group. On the other hand, there are still few signs of serious discontent within the EU at the way things are being handled. Nothing succeeds like the promise of success.

The EU 3+1 keep the Council informed, and the latter has little option but to fall in line with the big states leading the diplomatic operation, even if behind the scenes they no doubt voice concerns where they arise. But the Council minutes tell us very little about such behind the scenes policy-making. Unsurprisingly, the Commission's web-pages on relations with Iran can hardly bring themselves to mention such a non-Community method as that embodied by the EU-3's initiative.¹⁴ Yet for the time being all EU-3 activity is focused on Iran, and it is not necessarily the case that this model will be useable across the board.

The *directoire* is not just any inner group. For one thing, it is hardly variable. The 1980s notion of a big four has transmuted into the EU-3, and although there is flexibility at the margin, as the history of the Contact Group shows, the arguments over membership generated at that margin tend to undermine the whole project. Moreover the trust of the three in the fourth candidate, Italy, has not increased over the years, not least because of the German-Italian antagonism over rival candidatures for the UNSC. Now that Berlusconi has left the Palazzo Chigi in Rome it will be interesting to see whether Italy is welcomed back into the fold. Yet if it is, that would make it difficult to exclude Spain, and perhaps Poland, which would blur the profile of the executive group and make it more subject to internal disagreement.

The directoire will not become permanent in the sense of having hard boundaries, or of becoming institutionalised. It is not that kind of phenomenon. There is also little chance of the European Security Council which has occasionally been floated. On the other hand, it has become an immanent tendency, and one which cannot be removed from the mental maps of those involved in the making of European foreign policy. It may, indeed, have reached the point where it is becoming a self-fulfilling prophecy. All this is based on the assumption that the Three can handle their self-appointed role with both diplomacy and discretion. If they give in to the temptations either to squabble amongst themselves, or to take their partners' acquiescence for granted, the whole fragile edifice will tumble down around them. And it does not follow that the CFSP would be better off as a result. The paradox which now obtains is that the CFSP and some form of directoire have become interdependent.♦

University of Barcelona. FORNET Discussion:

<http://fornet.info/workinggroupdiscus/messages/5/35.html?1067427028>, accessed 2 November 2003.

¹¹ Steven Everts, *Engaging Iran: A Test Case for European Foreign Policy* (London: Centre for European Reform, March 2004), p. 13; Mark Leonard, *Can EU Diplomacy Stop Iran's Nuclear Programme?* (London: Centre for European Reform, November 2005), p. 5.

¹² Leonard, *Can EU Diplomacy*, p. 3.

¹³ David Allen and Michael Smith, 'External Policy Developments', *Journal of Common Market Studies, Annual Review 2005*, p.12.

¹⁴ For an example of such Council Conclusions see GAERC Conclusions, 27 February 2006; for the Commission's take on events see

http://ec.europa.eu/comm/external_relations/iran/intro/index.htm

¹ Simon Nuttall's 'Coherence and Consistency', in Christopher Hill and Michael Smith (eds.), *International Relations and the European Union* (Oxford: OUP, 2005), provides the crispest analysis of these problems. Nuttall distinguishes between 'institutional' consistency (between the intergovernmental and Community sides of the EU), 'horizontal' (between different EU policies), and 'vertical' (between EU and national policies).

² *Le Petit Larousse Illustré 1996: Dictionnaire Encyclopédique* (Paris: Larousse, 1995).

³ For a list of groups where smaller states did participate, on such matters as non-proliferation, or Angola, see Simon Nuttall, *European Foreign Policy* (Oxford: OUP, 2000), pp. 267-68, citing Hans Van den Broek.

⁴ Esther Barbé, 'Spain: the Uses of Foreign Policy Cooperation', in Christopher Hill (ed.), *The Actors in Europe's Foreign Policy* (London: Routledge, 1996), p. 118.

⁵ Nuttall, *European Foreign Policy*, pp. 268-69.

⁶ Catherine Gegout, 'The Quint: Acknowledging the Existence of a Big Four-US Directoire at the Heart of the European Union's Foreign Policy Decision-Making Process', *Journal of Common Market Studies*, vol. 40, no. 2, June 2002, p. 333, note 2; also Jochen Prantl, 'Informal Groups of States and the UN Security Council', *International Organisation*, vol. 59, no. 2, Summer 2005, pp.575-76.

⁷ The Berlin group consisted of the four western powers concerned with Germany during the Cold War (Britain, France, the US and West Germany) and provided discreet opportunities for informal foreign policy coordination. It should not be confused with the meetings of the four powers occupying Berlin (Britain, France, the US and the USSR). See Robert D. Putnam and Nicholas Bayne, *Hanging Together: the Seven- Power Summits* (London: Heinemann for the Royal Institute of International Affairs, 1984), pp. 94, 109-10.

⁸ Gegout, 'The Quint', pp. 335-7. She says that Solana was beginning to have a role in the spring and summer of 2001.

⁹ For further discussion see Christopher Hill, 'Renationalising or Regrouping? EU Foreign Policy since 11 September 2001', *Journal of Common Market Studies*, vol. 42, no. 1, March 2004.

¹⁰ 'French, German and British Foreign Affairs Ministers visit Iran: Towards a Directorate?', by Esther Barbé, et. al., of the Observatory of European Foreign Policy, Autonomous

E3 Leadership in Security and Defence Policy

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A group of willing and able EU member states has to lead in order to achieve substantial progress in building ESDP. Of course, decision-making by directorates is resented by those who are not part of this select group which undermines this process. It is high time to openly debate how to balance the competing goals of effectiveness and legitimacy.¹ The EU faces the trade-off of all international institutions: 'institutions that are regarded as legitimate...are not terribly effective, while those that are effective...are not regarded as legitimate.'²

Is it possible to build an effective and legitimate EU security policy by means of an E3 directorate, consisting of France, Germany, and the United Kingdom? E3 leadership is a real-world phenomenon whether one likes it or not. This paper will briefly discuss three examples of E3 small-group leadership – the talks with Iran, the EU battlegroup initiative, and the debate about EU planning capacity for civilian and military ESDP missions.

E3 and Iran

When, in the second half of 2003, the dispute between Iran and the international community about the former's nuclear programme escalated, the E3 foreign ministers initiated a series of talks with Iran, which have led to a diplomatic process aimed at finding a durable and peaceful solution.³ How and if the E3 received a mandate before they launched the initiative is unclear, but SG/HR Solana endorsed their efforts from the beginning even if it took until October 2005 for the GAERC to formally endorse the role of the E3.⁴

It seems clear that the E3 had an interest in demonstrating the usefulness of diplomacy compared to military regime change.⁵ The US administration was at first sceptical and expected E3 efforts to fail. This assessment only changed in early 2005 when the US government explicitly supported the E3 based on the understanding that the E3 would support the referral of Iran to the UN Security Council if Iran failed to honour the enrichment suspension negotiated with the E3. While there remain

obvious differences, the E3 also succeeded in making China and Russia active participants.⁶ It is thus appropriate to give the E3 credit for the building of an international coalition around a diplomatic approach to the Iran question in line with the overall EU preferences for multilateralism and peaceful means. The E3 give Iran the means to communicate with the international community, especially since the E3 serve as a buffer in at least two ways: between Iran and the US and between the US on the one hand and China and Russia on the other.

From the EU's point of view, the E3 actually ensured the union's influence on the global stage by providing cohesion and the ability to act.⁷ By necessity E3 deliberations are secretive with the resulting lack of coordination with other EU member states being the price to pay. Given the complexity of the issue at hand and the virtually permanent negotiation situation there is quite simply no time for further coordination and no room for public deliberation. A stable and confidential setting is the only way in which the EU can assert its influence and the E3 provided that framework. The E3, bringing together the biggest EU member states including the EU's two permanent UNSC members, is the only formation that can do so and at the same time preserve credibility in the external context.

Solana is involved mainly for internal transparency and legitimacy reasons, and the SG/HR is playing an absolutely vital part in this sense while understanding that he needs to maintain the support of the E3 for his role as much as anything else. The Commission is also involved and becomes especially relevant if and once the E3 want to rely on the kind of economic and political sticks and carrots that only the EU as a whole can provide. Transparency remains a critical issue nonetheless and Solana has lately been criticised for failing to live up to the remaining member states' expectations.⁸ However, even critics realise that the speed of events, the intricacies of the talks and the need for external coherence make the alternatives look even worse. Effective external representation with working, albeit imperfect, internal policy coordination regarding the Iran question can only be achieved through the E3.

E3 and the Battlegroups

In 1999, the EU member states defined military headline goals to be achieved by 2003. When the target date arrived, capabilities

development was widely perceived to have been marginal. In order to reinvigorate the process within the EU, France and Great Britain introduced the idea of EU battlegroups, which are a specific form of military rapid response force packages.⁹ No one tasked France and the United Kingdom with the development of such a concept on behalf of the European Union. Instead, the governments of both countries used the precedent of previous leadership by them to justify their advance in 2003.

It is not clear whether this process of self-recruitment extended to Germany, which joined the initiative just ahead of it being brought before the PSC. The domestic discourse in Germany focussed on the fact that the battlegroups concept had been pushed by countries with recent colonial history in Africa and had specifically named Africa as a likely theatre of operations. The German government would thus have an interest to re-focus the initiative from the inside. For London and Paris, having Germany join before submitting the proposal for approval to the remaining EU members was attractive for the same reason. Having Germany on board, with its reputation for restraint in military matters, increased the appeal and legitimacy of the initiative.

What the leaders did was to generate the overall aspiration as well as offer a detailed framework for implementation.¹⁰ The battlegroups would be about the quality and not the quantity of European rapid reaction capabilities. However, in the second step, the trio was also leading by example. France and the United Kingdom offered a battlegroup each on their own and took on responsibility for a big part of the Initial Operational Capability. Germany, while not offering a complete battlegroup, pledged troops to no less than four multinational formations and also took on responsibility for the Initial Operational Capability (IOC). Italy and Spain joined the leadership group in this phase in the sense of making complete battlegroups available on their own. Thus, during the initial implementation of the concept submitted by the Big Three, leadership was actually asserted by the Big Five with some smaller member states more closely associated through direct and early contributions to the IOC than others.

It is also notable that the leadership trio allowed for an elaborate institutional track within the framework of the EU's ESDP to approve and re-approve and develop their ideas. The whole

ESDP machinery and all EU member governments got involved intensively when the concept was submitted to the PSC in February 2004. While the proposal of the Big Three was not altered in a significant way throughout this process, ownership of the initiative was expanded in a comprehensive way.

Entrepreneurial leadership, in the sense of policy innovation, has been the essence of the battlegroup concept. In terms of the policy cycle, the implementation phase including missions on the ground is by design not dominated by any predetermined group (as nations decide about their contributions on their own). However, big member states, by virtue of their greater overall resources, are likely to make a considerable contribution more often.

E3 and the Planning Cell

The issue of whether the EU should have autonomous capacity to plan civilian and military crisis management missions and how they should relate to NATO, has long been a contentious one. In 2003 opposing proposals were introduced and debated among EU members with a compromise being worked out in time for the December 2003 EU summit.

Like the battlegroups proposal, the initiative regarding the planning cell was launched by a group of self-selected leaders. No one had delegated the task to Belgium, France, Germany, and Luxembourg when they defined their proposal in April 2003.¹¹ The four, however, tried to cast their foray in the light of continuity, arguing that ever since the Presidency Report on ESDP of Cologne from June 1999 it was understood by all EU members that missions could be run with or without recourse to NATO. Autonomous EU planning facilities would only support the implementation of an agenda agreed by all. However, it must not be overlooked that the context of the Iraq invasion played directly into the motivation of the four governments. In part, the four were driven by a desire to demonstrate that ESDP could advance without involvement of the UK.

Events have shown that they were wrong in this assessment. In fact, the Blair government launched a counter-proposal in direct opposition to the initiative of the four.¹² The British alternative logic was not to focus on aspirations as such but rather to concentrate on what has worked well in the past. Hence, in trying to steer the debate about planning facilities towards the

question of what their added value would be, the British cleared the way for a venue shift calling for a dedicated EU planning cell within SHAPE and hence NATO.

It is instructive to look at the next step. Without an explicit mandate, the big three took matters in their hands outside of the EU structures. They politely refused other EU members, such as Italy, which was holding the EU Presidency at the time and tried to insert itself into the process. The paper emerging out of the ménage à trois was a true compromise of the competing proposals.¹³ In this sense it solved the dispute and more importantly provided a focal point for all other EU member states to rally around.

The fact that the compromise worked out by the big three was introduced by the Italian Presidency and adopted by all EU member states without a single change at the European Council in December 2003 is a strong indication that small-group leadership was effective and legitimate in its function of unblocking the situation. It seems as if France, Germany and the United Kingdom did have a mandate after all. The others expected them to break the impasse and find a solution. This also fits together with the restraint shown by the big three in formulating their joint position. Their compromise document is short and refrains from laying out a detailed plan for implementation. Implementation was where the EU institutions and specifically SG/HR Solana came into play.

Conclusion: The E3 working for the EU

E3 leadership has supplied a capacity for policy innovation, breaking intra-EU deadlocks, as well as external representation of the EU and policy coordination within the EU under demanding conditions. Arguably, in the cases discussed above, the E3 were the only small-group formation within the EU that could have achieved this. In the examples provided here, E3 leadership actually worked to the advantage of the EU as a whole. In light of these realities, three basic principles suggest themselves as guidance for E3 cooperation that is useful in the sense that it produces both meaningful results and legitimate solutions. (1) E3 cooperation needs to be informal and not institutionalized. This gives outsiders the possibility to save face. (2) E3 leadership has to be permeable. This means that the members of the leadership group have to be willing to disseminate information and involve EU institutions. (3) E3 cooperation is not a default solution. Small-group cooperation should be flexible. This means that size is not the

determinant of the group composition as what counts as useful contributions depends on the problem at hand.

Interestingly, the E3 in a way have to behave somewhat similar like the powers in the 19th century concert. The great powers of the day understood that they had to accept responsibility for peace and stability in Europe as a whole, that their conduct had to be self-restrained not exploiting all the vulnerabilities that were present, and finally, that the main purpose of their conferences was problem-solving.◊

¹ Bastian Giegerich and Eva Gross, 'Squaring the Circle? Leadership and Legitimacy in European Security and Defence Cooperation', *International Politics*, vol. 43, no. 4, 2006, pp. 500-9.

² F. Fukuyama, *After the Neocons: America at the Crossroads*, Profile Books: London, 2006, p. 163.

³ This section is neither about whether the E3 initiative is necessarily the best course of action nor about its chances of success. On Iran's nuclear programme and the details of the talks see: IISS, *Iran's Strategic Weapons Programmes: A Net Assessment*, London: Routledge, 2005.

⁴ See W. Posch, 'The EU and Iran: A Tangled Web of Negotiations', in W. Posch (ed.), *Iranian Challenges*, Paris: EU ISS, 2006, pp. 99-114.

⁵ This is by definition a limited approach especially if Iran is after a US security guarantee or actually desires confrontation. See A. Beatty, 'Soft Power and a Nuclear Iran', *European Voice*, 16-22 March 2006, p. 16.

⁶ For a recent setback see *Financial Times*, 'Russia Rejects Proposed Sanctions on Iran', 27 October 2006, p. 6.

⁷ C. Schwegmann, *Kontaktgruppen und EU-3-Verhandlungen*, SWP Aktuell 62, Berlin: SWP, December 2005.

⁸ S. Taylor, 'Solana under Fire for Lack of Transparency over Iran Plan', *European Voice*, 15-21 June 2006, p. 2.

⁹ See 'Factsheet EU Battlegroups', EU BG 01, November 2005, <http://www.consilium.europa.eu/uedocs/cmsUpload/BattlegroupsNov05factsheet.pdf> (last accessed 5 November 2006); 'Military Capability Commitment Conference', 22 November 2004,

<http://www.consilium.europa.eu/uedocs/cmsUpload/MILITARY%20CAPABILITY%20COMMITMENT%20CONFERENCE%2022.11.04.pdf> (last accessed 5 November 2006).

¹⁰ See 'The Battlegroups Concept – UK/France/Germany Food for Thought Paper', 10 February 2004, in EU Institute for Security Studies, *EU Security and Defence: Core Documents Vol. 5*, Paris: EU ISS, 2005, pp. 10-16.

¹¹ See EU Institute for Security Studies, *From Copenhagen to Brussels. European Defence: Core Documents Vol. 4*, Paris: EU ISS, 2003, pp. 76-80.

¹² See: *Ibid.*, pp. 204-7.

¹³ See: *Ibid.*, pp. 283-4, and 'Factsheet EU Battlegroups and the EU Civilian and Military Cell', February 2005, <http://www.consilium.europa.eu/uedocs/cmsUpload/Battlegroups.pdf> (last accessed 5 November 2006).

The Financing of the CFSP/ESDP: 'There is a democratic deficit problem!'¹

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In May 2006 the European Parliament voted for the agreement on the Financial Framework 2007-2013. The EU has decided that in that period a total of €49.463 million will be spent on its external policy, which constitutes an average increase of 29%. This development is in line with public opinion, as according to the Eurobarometer the support amongst Europeans for a Common Foreign and Security Policy (CFSP) is remarkably high. However, the new budget presents the EU and the member states with several challenges for democratic control of EU's foreign policy: firstly, a lack of transparency in the allocation of funds; secondly, too little possibility for democratic control by the European Parliament; and finally, a still insufficient amount of funding. One way to diminish these deficits would be the introduction of a CFSP Fund in 2009, out of which all EU missions would be financed. This Fund ought to be subject to scrutiny by the European Parliament, as well as be equipped with adequate financial means.

On 4 April 2006, the European Parliament, the Commission and the member states reached a new Inter-institutional Agreement (IIA) concerning the Financial Framework 2007-2013. They decided on several changes for the EU's external policy, which is covered under Heading 4 of the Agreement, 'The EU as a global player' (see Annex). Heading 4 lists the following categories of external activities: an Instrument for Pre-Accession (10.213 million); a European Neighbourhood and Partnership Instrument (10.587 million); Development Cooperation and Economic Cooperation Instrument (15.103 million); an Instrument for Stability (2.531 million); CFSP (1.740 million); the provisioning of a Guarantee Fund (1.244 million); an emergency aid reserve and other ad-hoc envelopes such as humanitarian aid etc. (8.046 million).

One of the main outcomes of the IIA is that an extra €1 billion will be allocated to the EU's

external policy. Of this, €800 million goes to CFSP, and €200 million to the newly established European Neighbourhood and Partnership Instrument that covers the countries of the south and eastern Mediterranean, the southern Caucasus and the strategic partnership with Russia. Furthermore, both Emergency Aid (providing a rapid response to unforeseen events in non-member countries) and Solidarity Fund (intended to allow rapid financial assistance in the event of major disasters in the member states or candidate countries) will be financed outside the budget with money provided directly by the Member-States. The Flexibility Instrument has been renewed and is also outside the budget (€200 million per annum).

Last but not least, in October 2006, the European Parliament and the Council agreed on a regulation establishing an Instrument for Stability on the legal basis of Articles 179(1) and 181a which will provide, for the first time ever, the introduction of the co-decision procedure for the Parliament in foreign policy. Furthermore, two new instruments have been added to the overall financial framework under Heading 4: an instrument of democracy and human rights promotion and an instrument for nuclear safety will enter into force from 2007.²

Two problems are directly associated with the 2007-2013 EU budget: there is first of all a lack of democratic control over common defence policy activities and the related spending; secondly the member states have provided insufficient resources to fund the EU's ambition to become a fully-fledged actor in its foreign and security policy, meaning that additional money has to be diverted from sources outside the budget.³

Mechanisms and ways of funding EU's CFSP/ESDP

EU missions in third countries fall only partly under the EU budget; EU member states are also providing money for envisaged EU missions from outside the EU budget. Funds for EU operations and missions or so-called 'hybrid' EU missions (civil-military interventions) have to be distinguished between foreign policy measures undertaken in the context of the First Pillar (mostly civilian aspects) and those of the Second Pillar of the Treaty on European Union (mostly military aspects). For both the civilian and military aspects of the EU's external policy, there are six ways of allocating funds within and

beyond the official EU budgetary procedure which will be explained below (see also Table 1: Range of funding options for EU foreign policy).

For civilian missions, there are three ways of funding. The main way is through the EU general budget, which includes the CFSP budget (see Annex 'CFSP'). According to Title V Treaty on the EU, the Rapid Reaction Mechanism is also covered by the CFSP budget. A second means is to fund operations through the European Development Fund; this Fund is not in the general budget but can be used to support civilian crisis management operations in ACP (African, Caribbean and Pacific) countries that are run by organisations working in close cooperation with the EU. EU civilian missions can also be financed outside the EU budget by national contributions if the Council decides by unanimity; these are ad-hoc missions.

There are three channels of financing operations and European agencies that have a defence or military component. According to the Treaty provisions, the European Security and Defence Policy (ESDP) is a matter of purely intergovernmental cooperation where member states' competencies are still predominant. Therefore, ESDP funding is realised from outside the EU budget. The ESDP missions can be financed firstly by the ATHENA mechanism, which was established in February 2004. For the ATHENA mechanism, the contributions of the member states are determined according to a gross national product scale; the only country that does not participate is Denmark. Third countries may contribute as well. Missions can also be financed by contributions of the Member-States according to the NATO principle 'costs lie where they fall'. This principle has the disadvantage of creating uneven burden-sharing amongst the contributing member states, as it is difficult for the smaller member states to act as a leading nation or furnish the mission from their own military and defence resources. Finally, the ESDP agencies such as the European Defence Agency (in charge of development of defence capabilities; armaments cooperation; research and technology), the European Union Institute for Security Studies (which contributes to research and analysis), and the European Union Satellite Centre (which generates information for crisis monitoring and conflict prevention) have their own budgets made up of national contributions. The possibility of administrative costing is something which is not clearly defined. In theory, it is possible that the member states are co-financing certain projects with private companies, international organisations, or the

EU.

In practice, the EU has around 20 operations/missions worldwide. Only a few of them have been purely military and the remainder are made up of either purely civilian or a mix of civilian and military elements (hybrid missions), and thus of CFSP and ESDP elements. The current trend whereby the EU's missions consist of hybrid missions is likely to continue. But the EU budget in EU's CFSP/ESDP funding lacks of transparency, accountability and adequate funding.

A threefold democratic deficit problem

First of all, a detailed description of proposed expenditure allows the general public as well as the European Parliament and national parliaments to 'know where the money goes'. It is the European taxpayers' money which is being spent; together with accountability, transparency is at the very heart of democracy.

Secondly, a lack of accountability relates to the EU foreign policy funding. The idea of accountability implies that the European Parliament should be able to exert decisive democratic control over the CFSP decisions. This even more so as the funding for military, police and civilian EU operations has increased and in the future will, in all likelihood, grow even further. The EU budget is not just a technical instrument compiling income and proposed expenditure; it reflects rather the EU's political objectives and priorities for the future. Mismanagement of funds, hidden expenditure, and nepotism are possible dangers if the European Parliament lacks democratic control over the financing of EU foreign policy. However, despite the consultation right established by the IIA as regard to CFSP Joint Actions, the European Parliament is hampered in its efforts at controlling the EU's financing due to the opacity of the allocation of funds (off-budget financing, parallel budgets and mechanisms), and by a lack of adequate rights to oversee military spending. Accountability goes hand in hand with transparency because only when it is clear how much the EU spends on what (e.g. Joint Actions), can the European Parliament initiate a finance check. Therefore, the European Parliament should be equipped with genuine rights of information and consultation concerning the funding of CFSP as it is foreseen in the Treaty provisions and in the IIA. In particular, the Council should inform

and consult the European Parliament before, rather than after, it decides on EU operations. Accountability is crucial because the exact nature and sources of the financing of CFSP need to be accounted for to the European public as well as to the European Parliament and the national parliaments. These actors should be able to make valid assessments of the EU's defence spending. Only if they have oversight and control over the financing of CFSP can they debate the policy and bring forward alternative proposals.

Last but not least, the EU - even though it decided to increase CFSP spending for the new budget period - still does not allocate sufficient funds for its overall external policy. The EU's ambitions as a global actor (as set out by the European Security Strategy of December 2003) are not commensurate with its foreign policy budget. In order to realise its ambitions to become a global actor, the EU and the member states must be willing to dedicate more financial means to CFSP. If the EU were to provide enough funding for its CFSP, the member states would no longer have to improvise ways to transfer funds to Heading 4 'CFSP' from the other Headings of the budget or from further sources, such as the aforementioned parallel budgets or the other mechanisms set out in Table 1.

A CSFP Fund

The threefold democratic deficit problem in CFSP/ESDP funding can only be solved with the benefit of a complete picture of the sources of its funding as well as a flexible funding system.

The Commission will present an evaluation of the functioning of the IIA and the European budget by the end of 2009 possibly with proposals for modification, and both the current and the newly elected European Parliament (the next elections will be held in 2009) will take part in the assessment by voting on the Commission's budget review. This is a window of opportunity to introduce a new CFSP Fund for EU missions, either as part of the general budget or outside of it. All EU missions, both civilian and military, should be financed from this Fund; this would ensure coherence between CFSP and ESDP, especially in light of the fact that the mix of civilian and military elements in EU operations is already a reality. However, the praxis of CFSP/ESDP funding lags behind the reality. A new CFSP fund would introduce a single procedure and would it make easier for

the European Parliament and national parliaments to 'know where the money goes'.

There are two options for the institutional design of the CFSP Fund. Firstly, and preferably, the Fund could be part of the EU general budget. This would imply that the rules of the EU budget would apply to it; the member states' contributions to the Fund would be determined according to fixed Gross National Income (GNI)-based resources without any further influence by the national authorities. The Fund would be, in general, accountable to the European Parliament because, together with the Council, it has budgetary authority.

Secondly, the CFSP Fund could be situated outside the EU budget. In this case, every member state should indicate by means of a budgetary document and on a multi-annual basis how much funding it wishes to commit; this would facilitate 'burden-sharing' between member states.

For both options it is important to improve the democratic quality of decision-making, national parliaments and the European Parliament should guarantee that the financial provision for EU foreign policy is adequate for flexible and fast reaction in a crisis situation: the more the European Parliament is involved in the funding of external policies in general, and CFSP in particular, the more likely it is to reduce the deficits of transparency, accountability and adequate financial means in the EU's foreign policy. ♦

¹ This paper is basically a shorter version of the SWP-Comment Annegret Bendiek and Hannah Whitney-Steele, *The Financing of the EU's Common Foreign and Security Policy: Solving the Conundrum*, No. 16, Berlin, July 2006, pp. 1-7.

² 'Regulation of the European Parliament and of the Council establishing an Instrument for Stability. Common Guidelines for Bulgaria and Romania' 30 October 2006', PE-CONS 3634/06 (2004/0223 (COD), Brussels, 20 October 2006, 1-37; see also Europäisches Parlament, Entwurf eines Berichts über den Vorschlag für eine Verordnung des Europäischen Parlaments und des Rates zur Einführung eines Finanzierungsinstruments für die weltweite Förderung der Demokratie und Menschenrechte, Vorläufig 2006/0116/COD), Brussels, 31 August 2006, 1-39; Europäisches Parlament, Entwurf eines Berichts über den Vorschlag des Rates zur Schaffung eines Unterstützungsinstruments im Bereich der nuklearen Sicherheit und Sicherung, Vorläufig 2006/0802(CNS), 24 August 2006, 1-10.

³ See also European Parliament, 'The Cost of CFSP - An Assessment Study', IPOL/D/BSU/ST/2006-004, 6 October 2006, 1-53.

Table 1: Range of funding options for EU foreign policy

Civilian	Military
<ul style="list-style-type: none"> ➤ EU general budget (includes CFSP budget) ➤ European Development Fund ➤ Ad-hoc missions 	<ul style="list-style-type: none"> ➤ ATHENA mechanism ➤ 'Costs lie where they fall' principle ➤ Own budgets of ESDP agencies

Annex: Financial Framework^{a)} 2007-2013

Indicative breakdown of expenditure with adjusted financial envelopes after Trialogue of 4 April 2006

Heading 4: The EU as Global Actor 2004 prices

	2006 ^{c)}	2007	2008	2009	2010	2011	2012	2013	2007-2013 total	Change 2013/2006
Instrument for Pre-Accession (IPA) ^{b)}	1.121	1.193	1.290	1.353	1.452	1.565	1.660	1.700	10.213	52%
Eur. Neighbourhood & Partnership Instr. (ENPI)	1.274	1.390	1.400	1.437	1.470	1.530	1.640	1.720	10.587	35%
Development Coop & EC Coop Instr. (DCEC)	1.862	2.000	2.060	2.116	2.167	2.190	2.246	2.324	15.103	25%
Instrument for Stability	531	232	268	338	363	400	430	500	2.531	-6%
Common foreign and security policy	99	150	185	220	250	285	310	340	1.740	245%
Provisioning of Loan Guarantee Fund	220	188	185	181	178	174	171	167	1.244	-24%
Emergency aid reserve	221									-100%
Other (humanitarian aid, macro-financial assistance, ad-hoc envelopes, traditional agencies & margin)	894	1.046	1.081	1.094	1.129	1.196	1.222	1.278	8.046	43%
TOTAL HEADING 4^{b)}	6.222	6.199	6.469	6.739	7.009	7.339	7.679	8.029	49.463	29%

All figures have been calculated using a 2% annual deflator between 2004 and 2013.

a) The European Development Fund, the EU Solidarity Fund and the Emergency Aid reserve are not included in the financial framework.

b) The 2006 figure does not include appropriations for Bulgaria/Romania nor the amount (€134 million) proposed for 2006 by the Commission for the northern part of Cyprus.

c) The breakdown for the year 2006 is based on the 2006 budget.

Source: European Commission, Multiannual Financial Framework 2007-2013, Fiche no 94 REV1, 11 April 2006.

Chronology of Lebanon, 2002-2006

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This chronology gives some background to the current crisis in Lebanon-Israeli relations, and to EU involvement with Lebanon. The work was produced under the auspices of EU-CONSENT.

2002

17 June: Association Agreement is signed between the EU and Lebanon, which details specific areas in which objectives of the Euro-Mediterranean Partnership can be developed bilaterally.

2003

1 March: 'Interim Agreement on trade and trade related matters' is signed between EU and Lebanon, allowing trade aspects of Association Agreement to enter into force (start of 12 year transition period to free trade).

2004

20 January: IDF bombs Hezbollah targets in southern Lebanon, in retaliation for killing of an Israeli soldier during missile attack on Israel's border.

August: Syria insists that President Lahoud, whom it had previously appointed, remain in office beyond constitutional limit of one 6-year term. Despite general Lebanese outrage, Parliament extends President Lahoud's term by three years.

2 September: UN Security Council resolution 1559 - aimed at Syria - calls for the disarming of militias as well as the withdrawal of foreign forces from Lebanon (14,000 Syrian troops in Lebanon). Syria dismisses resolution.

20 October: Political deadlock over constitutional crisis ends with unexpected resignation of Rafiq Hariri as prime minister. Hariri had formerly opposed the extension as anti-democratic but eventually steps down due to Syrian demands.

21 October: Omar Karami replaces Hariri as new prime minister (pro-Syria).

2005

14 February: Massive car bombing in Beirut kills Rafiq Hariri and 20 others. Attack sparks resignation of Omar Karami's cabinet & widespread calls for Syria to withdraw its troops from Lebanon.

14 February-March: Over a 2-week period, hundreds of thousands join rallies in Beirut protesting against Syrian involvement in Hariri's death; calls for Syria to withdraw intensify in Lebanon and also supported by the international community.

28 February: Omar Karami asked by President Lahoud to form a new government but he resigns.

8 March: Hezbollah sponsors massive pro-Syrian demonstration that outnumbers previous anti-Syrian protests; hundreds of thousands gather to thank Syria for its involvement in Lebanon. More generally, Hezbollah has adopted cautious policy since Hariri assassination crisis erupted.

9 March: Taking advantage of pro-Syrian demonstrations, President Lahoud reappoints Omar Karami as prime minister.

14 March: On one-month anniversary of Hariri's death, anti-Syrian protestors stage largest rally yet in Beirut (about 1 million protesting).

17 March: Syria withdraws 4,000 troops and redeploys remaining 10,000 to Lebanon's Bekaa Valley on Syrian border. Syria claims that full withdrawal will take place in April.

April: Omar Karami resigns for second time after failing to form a government. He is succeeded by moderately pro-Syrian minister Najib Mikati. Mikati announces that elections will be held in May.

26 April: Facing international pressure, Syria withdraws last of its troops from Lebanon, ending its 29-year military occupation.

May-June: In Lebanese elections, anti-Syrian alliance led by Saad al-Hariri, son of late prime minister Rafiq Hariri, wins 72 out of 128 seats. Former finance minister Fouad Siniora (closely ally of late Hariri) eventually becomes prime minister. EU deploys an Election Observation Mission (EOM) to monitor elections.

2 June: Prominent journalist Samir Kassir, critic

of Syrian influence, is killed by car bomb.

21 June: George Hawi, former leader of Lebanese Communist Party and anti-Syrian, is killed by car bomb.

July: Prime minister Siniora meets Syria's President Assad; both sides agree to rebuild relations.

1 September: 4 pro-Syrian generals are charged with assassination of Rafiq Hariri.

29 September: EU-Lebanon Action Plan negotiations begin, under framework of European Neighbourhood Policy (ENP). Plan is to support Lebanon's own programme of democratic reform and boost economic prospects through access to European single market.

20 October: UN releases report on Hariri's assassination, concluding it was organised by Syrian and Lebanese intelligence officials.

12 December: Prominent anti-Syrian MP and publisher Gibran Tueni is killed by car bomb in Beirut.

2006

February: Denmark's embassy in Beirut is torched during demonstration against cartoons in a Danish paper that satirised Prophet Muhammad.

11 April: First EU-Lebanon Association Council and EU-Lebanon Association Agreement comes into force.

28 June: 'Operation Summer Rains', Israeli military operation into Gaza in order to suppress Qassam rocket fire against its civilian population and to secure release of Corporal Gilad Shalit from Palestinian militants.

12 July: Reacting to renewed conflict between Israel and the Palestinians in Gaza, Hezbollah captures 2 Israeli soldiers from across border.

13 July: In response to Hezbollah's provocation, Israel launches major military offensive by air and sea, bombing Beirut airport and southern Lebanon. Hezbollah retaliates by launching hundreds of rockets and missiles, supplied by Syria and Iran, into Israel. Civilian casualties are high and damage to civilian infrastructure in Lebanon is

vast. Hundreds of thousands of people are displaced (on both sides).

26 July: Israeli forces attack and destroy UN observer post in southern Lebanon, killing 4 UN personnel.

26 July: EU Troika and EU Special Representative to the Middle East (EUSR - Marc Otte) leave for Israel, Gaza, and Lebanon in order to express solidarity with all peoples affected and to formulate global solution to the conflict.

31 July: EU foreign ministers hold meeting in Brussels to review the situation in Middle East and agree on key principles for political settlement of the crisis; immediate cessation of hostilities to be followed by sustainable cease-fire (to be managed by UN).

4 August: EU Commission issues statement expressing concern about worsening access for humanitarian aid, following Israeli attacks on main transportation routes in Lebanon.

1 August: Israeli ground troops enter southern Lebanon.

14 August: UN resolution 1701: Negotiated cease-fire between Israel and Hezbollah comes into effect. Around 1,150 Lebanese, mostly civilians, and 150 Israelis, mostly soldiers, have died in the fighting. UN peacekeeping force, expected to consist of 15,000 foreign troops, begins to deploy along southern border. In Lebanon, Hezbollah declares a victory. In Israel, investigation into government handling of Lebanese crisis takes place.

25 August: European Council gives Kofi Annan full support in his efforts to swiftly implement Resolution 1701. EU foreign ministers commit increased numbers of troops to Lebanon.

September: Lebanese government forces deploy along the Israeli border (the first time since Lebanese civil war).

CFSP Decisions, 1 November 1993 – August 2006

Compiled by Karen E. Smith, London School of Economics, UK

Area/country	Maastricht Treaty in force, November 1993 - April 1999			Since Amsterdam entered into force, May 1999 – August 2006		
	Common Positions	Joint Actions	Others	Common Positions	Joint Actions	Others ¹
ASIA						
Afghanistan	3			6	9	
Burma	7			15		
Indonesia/Aceh				1	4	4
KEDO	1	1		2		
East Timor	1			1		
Central Asia					2	
Uzbekistan				1		
Sub-total	12	1		26	15	4
	(16.44% of CPs)	(1.28% of JAs)		(13.68% of CPs)	(6.98% of JAs)	(2.9% of others)
AFRICA						
Africa (general)	1			2		
Conflict prevention in Africa	2			3		
South Africa		1				
Angola	3			4		
Ethiopia/Eritrea	1			5		
Ivory Coast				4		
Liberia				10		
Nigeria	8	1		4		
Great Lakes/DRC	3	8	3	14	29	6
Sierra Leone	3			3		
Somalia				1		
Sudan/Darfur	1			4	4	5
Zimbabwe				7		2
Sub-total	22	10	3	61	33	13
	(30.14%)	(12.82%)	(27.27%)	(32.11%)	(15.35%)	(9.42%)
SECURITY/ESDP						
Biological weapons	2			1		
Dual use goods		14			1	2
Laser weapons	1					
Fight against terrorism				21		6
Anti-personnel mines		7	1		2	
Non-proliferation	2	5		10	27	6

¹ Includes decisions such as Common Strategies.

ESDP ²					9	28
Security (of information)						11
WEU			1			2
Sub-total	6	26	2	32	39	55
	(8.22%)	(33.33%)	(18.18%)	(16.84%)	(18.14%)	(39.85%)
EASTERN NEIGHBOURHOOD						
Western Balkans/South Eastern Europe	23	31	5	43	81	53
Belarus	2			5		
Southern Caucasus (incl Georgia)				3	14	3
Moldova				5	4	2
Stability Pact		2				
Russia		1			6	2
Ukraine	1					2
Sub-total	26	34	5	56	105	62
	(25.62%)	(43.59%)	(45.45%)	(29.47%)	(48.84%)	(44.93%)
LATIN AMERICA						
Cuba	1					
Haiti	2					
Sub-total	3					
	(4.11%)					
MIDDLE EAST and Mediterranean						
Middle East Peace Process, incl Palestinian territories		6	1	6	18	1
Iraq	1			4	5	
Libya	2			2		
Mediterranean region						2
Sub-total	3	6	1	12	23	3
	(4.11%)	(7.69%)	(9.09%)	(6.32%)	(10.7%)	(2.17%)
MISC						
Extra-territorial law		1				
ICC				3		1
Diplomatic missions	1					
Sub-total	1	1		3		1
	(1.37 %)	(1.28%)		(1.58%)		(0.81%)
TOTAL	73	78	11	190	215	138

² The 'ESDP' section of 'Actes Juridiques' contained several decisions that appeared elsewhere under geographical categories; these were not double counted (158 decisions are listed; 23 are not double counted). Of the remaining 135 decisions listed, only 37 were not geographic-specific.

Total number of CFSP decisions = 705

Of which: Asia = 58 (8.23% of grand total); Africa = 142 (20.14%); Security/ESDP = 160 (22.69%); Eastern neighbours = 288 (40.85%); Latin America = 3 (0.42%); Middle East/Med = 48 (6.81%); Misc = 6 (0.85%)

Source: Council of the European Union, 'Actes Juridiques PESC: Liste Thématique', Brussels, 3 August 2006 (accessed 29 September 2006), http://www.consilium.europa.eu/uedocs/cmsUpload/ACTES_JURIDIQUES-2006-Continuing-updating.pdf

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Please send details of new publications to k.e.smith@lse.ac.uk.

Steve Blockmans and Adam Łazowski, eds., *The European Union and its Neighbours: A Legal Appraisal of the EU's Policies of Stabilisation, Partnership and Integration* (The Hague: T.M.C. Asser Press, 2006).

Anne Deighton, with Viktor Mauer, ed., *Securing Europe? Implementing the European Security Strategy*, ETH Zurich, Center for Security Studies, 2006.

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