

# CFSP Forum

Volume 5, Issue 5

September 2007

## Note from the Editor

Karen E. Smith, London School of Economics, Editor

The first three articles of this issue of *CFSP Forum* deal with various aspects of the institutionalisation of the Common Foreign and Security Policy: Giovanni Grevi analyses the role of EU special representatives; Petar Petrov and Hylke Dijkstra consider recent reforms of the European Security and Defence Policy; and Ramses A. Wessel takes a closer look at the question of the EU's international responsibility.

The next two articles focus on the member states: Alister Miskimmon examines the role of Germany and the UK in the ESDP, while David Phinnemore analyses Romania's initial experiences in EU external relations.

Please also see the call for papers on p. 20.

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## Making EU Foreign Policy: The Role of the EU Special Representatives

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The EU Special Representatives (EUSRs) are an important tool at the service of the foreign and security policy of the European Union.<sup>1</sup> Foreign policy making requires, first and foremost, appropriate instruments to collect information from abroad and deliver key messages to third parties. In an increasingly unstable global environment, moreover, permanent focus and adequate resources are needed to conduct crisis diplomacy through the various stages of a crisis cycle, from prevention to resolution and peace-building. In the words of Javier Solana, the EUSRs 'are the visible expression of the EU's growing engagement in some of the world's most troubled countries and regions.'<sup>2</sup> In other words, by deploying the EUSRs, the EU shows its commitment and signals its priorities.

First established in 1996 (EU special envoys to the African Great Lakes Region and to the Middle East Peace Process<sup>3</sup>), the EUSRs have grown in number – nine in 2007 – and expanded their geographical and functional remit.<sup>4</sup> In 1997, the Treaty of Amsterdam codified the emerging practice and provided that the 'Council may, whenever it deems it necessary, appoint a special representative with a mandate in relation to a particular policy issue.' (Article 18.5 TEU). The Treaty of Nice expanded the application of qualified majority voting in the field of CFSP to the appointment of the EUSRs (Article 23.2 TEU). Set up under the so-called second pillar, the EUSRs have the status of CFSP Special Advisors.

As such, they enter a contractual relationship with the Commission, which manages the EU budget, and to which they are accountable for all expenditure.

The EUSR stands at the crossroads between the institutional dynamics of Brussels headquarters, the often heterogeneous priorities of member states, and the requirements for action in the field. In the early years, the EUSRs performed in a relative institutional void, enjoyed a large freedom of manoeuvre, but suffered from limited access to EU institutions and above all to national governments. Following the establishment, in 1999-2000 of the post of the Secretary General/High Representative for CFSP (SG/HR), of the Policy Unit, and of the Political and Security Committee (PSC), the EUSRs found new, stable interlocutors in the Council Secretariat and in inter-governmental committees. Since then, steps have been taken to better frame the work of the EUSRs in the Council structures and to enhance communication between them and the PSC in particular. In other words, there was an effort to move from an ad hoc, volatile system to a predictable set of rules and a clear allocation of responsibilities.

The candidates presented by member states to take an EUSR post undergo a series of interviews with representatives from the Presidency and of the Council Secretariat, as well as with the SG/HR and his cabinet. Following a recommendation by the SG/HR, the PSC endorses the successful candidate and the Council appoints the new EUSR with a Joint Action. The duration of the EUSR's mandate has been extended in 2005 from six months to one year, so as to allow for a more balanced assessment of their impact. The two-way flow of instructions and reporting between headquarters and the field is at the very core of the EUSR function. On the one hand, the PSC provides the EU Special Representatives with political input and strategic guidance, while the SG/HR is supposed to ensure operational direction. On the other hand, EUSRs are required to regularly submit written reports to the SG/HR, the PSC and the Commission, and to report in person to the SG/HR, the PSC (increasingly so) and the relevant Council working groups. Twice a year, in addition, they submit a mission progress and implementation report.

At the end of each year, the Council working groups and the PSC, in cooperation with the Council Secretariat, conduct an evaluation process with a view to renew, amend or

terminate the mandate of the EUSR. In this context, growing attention is paid to a sharper formulation of the mandate itself, so as to clearly identify the broad political goals of the mission, the specific objectives to be attained and, possibly, benchmarks to assess progress. Turning to the day to day work of the EUSRs, an EUSR Management Committee involving all relevant services from the Council Secretariat has been set up in early 2007 to provide the EUSRs with practical support, streamline their relations with the Council structures (from media to personnel issues) and avoid bureaucratic bottlenecks or tensions.

The expenditure of the EUSRs and their teams is covered by the CFSP chapter of the EU budget (budget line 19.03.06). Initial commitment appropriations for EUSRs climbed from 3.1 million euros in 2004 (six EUSRs) to 14 million in 2007 (nine EUSRs). Besides, by the end of each financial year, final commitment appropriations always resulted higher than those initially envisaged.<sup>5</sup> The increase in the number of EUSRs, the growing security requirements and the expansion of their teams in the field have been the main drivers of budgetary growth. Since at least 2005, the European Parliament (EP) has taken issue with the rising costs of EUSRs on grounds of little transparency and questionable added value. More broadly, the EP has been calling for a more substantial dialogue with the Council on the priorities and implementation of CFSP, including the activities of EUSRs and their interplay with the Commission.<sup>6</sup> The EUSRs have addressed parliamentary hearings 11 times in the course of 2006 and one can expect that they will become more accountable to the Parliament, as their profile and functions expand.

The main tasks of the EU Special Representatives can be summarised as representation, information and coordination. In performing these functions, they dispose of two main assets, namely the political endorsement that they receive from member states – a capital that they can invest (when available) with interlocutors abroad to gain influence – and their expertise and knowledge of the field. In third countries and regions, the EUSRs are regarded as the 'face' and the 'voice' of the Union, thereby enhancing its visibility. Conversely, they operate as the 'eyes' and the 'ears' of the Union, feeding information and analysis back to Brussels. Originally set up to address ongoing crises and support conflict settlement in the Great Lakes region and the Middle East, their mandates have been growing larger to include the support to political transition in post-conflict situations and the definition of the

EU strategic approach to pivotal regions such as Central Asia and the South Caucasus. From an intra-EU perspective, moreover, the launch of new policies such as the European Security and Defence Policy (ESDP) and the European Neighbourhood Policy (ENP) has entailed a growing demand for the coordination of different EU actors. This is often entrusted with the EUSRs, who maintain an overview of all EU activities on the ground (without bringing prejudice to the respective competences of EU institutions). Over the last ten years, and across the over twenty countries covered by their mandates, the EUSRs have been playing six key roles:

- **Information providers.** Sound foreign policy making crucially depends on the quality and amount of information from third countries and regions. Clearly, the reports and analysis submitted by the EUSRs are particularly valued by the smaller member states, devoid of extensive diplomatic networks. All countries, however, are appreciative of the knowledge and experience of the EUSRs, notably in so far as they help establish a level playing field for discussion within the inter-governmental parties, such as the PSC. National policy makers in Brussels feel that, while occasionally controversial, the contributions of the EUSRs help bring the debate forward and sustain the convergence of different positions towards a common one. In other words, while they may not be the holders of exclusive expertise, they provide 'EU-made' information in the context of CFSP. When their expertise is recognised, and they are perceived as sufficiently autonomous from distinctive national positions, EUSRs gain respect and can play a significant entrepreneurial role.

- **Policy-makers.** All EUSRs are required to assist with the definition of the policies and strategies of the Union towards the countries or regions covered in their mandates. As such, EUSRs not only implement policy but take an active part in shaping it. For example, the respective mandates expressly provide for the EUSRs to South Caucasus and Moldova to help develop the EU policy towards those regions, for the EUSR to Afghanistan to advise on the EU position in relevant international fora, for the EUSR to the Great Lakes to advise on how to support the stabilisation process, and for the EUSR to Central Asia to provide input in the formulation of the (now adopted) EU strategy for this region. In practice, the scope for their contribution depends on a number of variables, including the political salience of the crisis at hand, the direct

involvement of individual member states, and the degree of convergence of member states' positions. Moreover, as one player among many others at the EU and national level, the distinctive input of EUSRs is hard to pinpoint. That said, the proactive role played by, among others, the EUSRs to Afghanistan and Central Asia has been recognised by many in Brussels as valuable.

- **Crisis managers.** In crisis situations, the EUSRs perform a variety of different tasks, including mediation, confidence building, and the so-called 'transitional' diplomacy to support the establishment of stable and democratic institutions. Personal skills and experience are key to success, as well as a considerable degree of flexibility and confidentiality. At the same time, the influence of the EUSRs as crisis managers is multiplied by the engagement of other EU instruments, and their synergy in the pursuit of shared goals. This is notably the case of ESDP operations. Since the launch of the first ESDP operation in January 2003 (the EU police mission in Bosnia and Herzegovina), only the EUSR for Central Asia has been dispatched in the absence of an ESDP mission on the ground, while only two ESDP missions (the Aceh Monitoring Mission and EUJUST LEX for Iraq) have been deployed in the absence of a Special Representative. The two sets of instruments are clearly linked and mutually supportive. EUSRs are the primary interface with local authorities when it comes to discussing the sensitive political profiles of the missions' activities. They provide local political guidance to the Heads of Mission or to the Force Commanders, and often act as chief negotiators with third parties to redefine the scope and priorities of the missions, in close touch with Brussels.<sup>7</sup> In the planning stage, moreover, the knowledge and advice of the EUSRs can provide much added value. On the other hand, the presence of ESDP missions on the ground enhances the clout of EUSRs and provides them with in-depth insight in key issues, such as specific aspects of security sector reform.

- **Lynchpins of coordination.** Coordination is required at three levels, namely between different ESDP operations, between all EU actors on the ground, and between them and national missions. In the presence of more than one ESDP operation, the EUSRs are responsible to ensure overall coordination among them. In the case of Bosnia and Herzegovina, for example, the double-hatted EUSR (who is also the High Representative of the international community) has been tasked with defining the appropriate division of tasks in case of controversy. Inter-pillar coordination has proven difficult to achieve, but relevant lessons

have been progressively drawn from experience, and the mandates of the EUSRs have evolved accordingly. The EUSR to Bosnia and Herzegovina is tasked with promoting overall EU coordination in the country, while the double-hatting of the EUSR as Head of the Commission Delegation, has been established in FYROM, leading to an integrated EU representation. As is the case for the EUSR to Central Asia, the EUSR to Moldova is mandated to maintain an overview of all EU activities (including the relevant aspects of the ENP Action Plans). Very close cooperation has been established between the EUSR and the Commission in South Caucasus, including two joint missions in winter 2006/2007 to identify scope for short term confidence building measures. While closer cooperation between different EU actors is always to be welcome, ensuring proper coordination over time requires time and resources. EUSRs are often short of both, and that is notably the case of travelling EUSRs or of those responsible for entire regions. Coordination between the EU and national actors on the ground poses yet a bigger challenge, because of the distinctive policies and interests of the member states, or simply because of their sheer clout in some countries such as in the Great Lakes region. Some 'enabling' measures to foster coordination have been introduced, including regular meetings of the EUSRs with the local Heads of Missions. Also, in fall 2006, all EU representatives from all Central Asian countries met in Astana, in what should become an annual *rendez-vous*. At a lower level, thematic working groups are often set up including relevant national officials, the EUSRs' advisors and other EU representatives, addressing questions such as police reform or the fight against organised crime. Coordination, however, cannot be imposed on member states, and requires a strong impulse from national capitals.

- **Networkers.** EU Special Representatives spend much of their time establishing and maintaining extensive networks in third countries and regions. The more connected they are, the more valuable they prove for Brussels. In most occasions, EUSR have access to the highest government levels, including ministers and heads of state. Equally important, EUSRs talk to opposition leaders and to leading figures in the legislative branch (when there is one), so as to build momentum for reform. Contacts with rebel leaders, warlords, tribal elders, senior religious figures and civil society representatives are central to the EUSRs' tasks in crisis situations, all the more so when the authority of the state is weak or non-existent in turbulent regions. In addition, EUSRs regularly visit the countries

neighbouring crisis areas, and travel to key capitals such as Washington and Moscow, so as to gather information and coordinate with relevant actors. In all these exchanges, the EUSRs show the 'face' and carry the 'message' of the Union.

- **Agents of effective multilateralism.** The EUSRs work in close cooperation with the representatives of other international organisations (the UN, the OSCE, NATO and the African Union, to mention only a few) and of other countries involved on the ground, such as the US and Russia. EUSRs are involved in a variety of formal and informal fora for conflict settlement and peacebuilding, notably in the Western Balkans, in the Great Lakes region, in Sudan and in Afghanistan, and participate in the international summit diplomacy addressing relevant crises. The difficult role of the EUSR for the Middle East peace process in supporting the proceedings of the Quartet, as the main conflict resolution mechanism, stands out in this context. By representing the Union in peace processes and international gatherings, the EUSRs multiply its outreach and provide a constructive contribution to the multilateral efforts to bring peace and stability to conflict areas.

While bringing considerable added value to foreign policy making and crisis management at the EU level, experience shows that the work of the EUSRs can be affected by four sets of constraints. First, the mismatch between their growing geographical and functional responsibilities and the limited resources available to fulfil their mandates. Second, the sometimes dysfunctional division of competences between EU actors in Brussels and in the field, which might lead to conflicts and undermine the overall efficiency of the EU engagement. Third, the absence of a clearly defined policy framework within which to situate the mandate of the EUSRs (Special Representatives as substitute for policies). Fourth, the political dynamics on the ground, often involving the competing interests of neighbouring countries and major powers, and delimiting the scope for manoeuvre of the EUSRs and other EU actors.

With a view to these challenges, interesting innovations have been pragmatically introduced. Support teams, for example, have been set up to underpin the work of the EUSRs, which required considerable creativity and flexibility to reconcile political concerns with requirements for action. In 2005, a support team focussing on border management in Georgia has been attached to the EUSR for South Caucasus, given the lack of political will to set up an ad hoc ESDP mission. Likewise, the EUSR for Moldova has been tasked

with the political overview of the activities of the (non-ESDP) border assistance mission deployed along the Moldovan-Ukrainian border. An EUSR support team, led by the head of this mission, has been set up for this purpose. Turning to the EUSR for Sudan, an ad-hoc Coordination Cell established in Addis Ababa helps the EUSR oversee the coherence and coordination of the EU contribution to AMIS II.

The biggest innovation, however, consists of the double hatting of the same person as EUSR and Head of the Commission Delegation in FYROM. Double-hatting was introduced in consideration of the progress made by this country on the way to EU accession, whereby a sizeable engagement of CFSP actors was no longer required. This is also the reason why double-hatting in FYROM is not supposed to set the trend for other EUSRs, considering the very different nature of the problems they have to address. Also, double-hatting does not seem suitable for travelling EUSRs and for those with a regional responsibility. That said, the experiment has been working very well, and there is growing support for setting up integrated EU representations in Addis Ababa (to the AU) and in Bosnia and Herzegovina, once the OHR will be closed. Taking a long-term perspective, the position of the EUSRs will likely undergo considerable change in parallel to the envisaged set up of the new European External Action Service (if the Reform Treaty will be agreed and ratified). While special representatives or envoys will still be needed to address specific crises or deal with functional issues of global or regional relevance (i.e. terrorism, natural disasters, epidemics), resident EUSRs, and notably the double-hatted ones, are likely to evolve into the heads of the new, integrated EU Delegations. ◊

<sup>1</sup> For a broader analysis of the position, tasks and activities of the EU Special Representatives, see G. Grevi, 'Pioneering Foreign Policy: The EU Special Representatives', Chaillot Paper, EU Institute for Security Studies, Paris (forthcoming).

<sup>2</sup> Opening remarks by SG/HR Javier Solana, Seminar with EU Special Representatives, Brussels, 29 June 2005, S239/05.

<sup>3</sup> Joint Action 96/250/CFSP, 25 March 1996, in relation to the nomination of an EU Special Envoy for the African Great Lakes Region; and Joint Action 96/676/CFSP, 25 November 1996, in relation to the nomination of an EU Special Envoy for the Middle East peace process.

<sup>4</sup> See, in chronological order, Joint Action 2001/492/CFSP, 29 June 2001, appointing the EUSR in FYROM; Joint Action 2001/875/CFSP, 10 December 2001, appointing the EUSR for Afghanistan; Joint Action 2002/211/CFSP, 11 March 2002, appointing the EUSR in Bosnia and Herzegovina; Joint Action 2003/496/CFSP, 7 July 2003, appointing the EUSR for South Caucasus; Joint Action 2005/265/CFSP, 23 March 2005, appointing the EUSR for the Republic of Moldova; Joint Action 2005/556/CFSP, 18 July 2005, appointing the EUSR for Sudan; Joint Action 2005/558/CFSP, 28 July 2005,

appointing the EUSR for Central Asia. All these joint actions, including those reported in note 3, have been the subject of a number of substantial revisions. For the last version of these documents, see <http://www.consilium.europa.eu/showPage.asp?id=263&lang=en&mode=q>

<sup>5</sup> See Council Doc. 5685/07, CFSP Budget Report – State of Play on 31 December 2006, 25 January 2007; and General Budget of the European Union for the financial year 2007, 2007/143/EC, Euratom (budget line 19.03.06). OJ L 077, 16 March 2007.

<sup>6</sup> European Parliament, Committee on Foreign Affairs. Report on the annual report from the Council to the European Parliament on the main aspects and basic choices of CFSP, including the financial implications for the general budget of the European Communities (point H, paragraph 40, of the Interinstitutional Agreement of 6 May 1999) – 2005. Rapporteur: Elmar Brok. Final, A6-0130/2007, 4 April 2007.

<sup>7</sup> The EUSRS were also included in the chain of command of civilian missions under ESDP. As such, they channelled to the SG/HR the reports from the heads of the ESDP missions, and provided them with instructions from Brussels headquarters. In June 2007, however, a comprehensive reform of civilian crisis management structures has been launched, as a result of which the political and the operational chains of command of civilian missions have been separated. While EUSRs remain part of the political chain of command, operational direction will be provided by the newly envisaged Civilian Operations Commander, who will head the new Civilian Planning and Conduct Capability.

## Towards Maturity: The Recent Institutional Reform of the ESDP<sup>1</sup>

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and

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The governance structure of the European Security and Defence Policy (ESDP) was established seven years ago during the Nice European Council.<sup>2</sup> ESDP has become operational since then and the EU has carried out seventeen missions spanning across three continents and offering a wide range of civilian, military and civil-military crisis-management instruments.<sup>3</sup> The ESDP machinery has evolved over time based on the lessons from previous operations, best practices, and institutional dynamics. Currently, the member states are taking ESDP to the next level in a new round of institutional development, which will significantly professionalise its conduct.

The EU has, in this respect, recently established an Operations Centre, which is capable of autonomously implementing small scale military missions from Brussels. In addition, the governance structure of civilian missions will be significantly altered through the creation of the Civilian Planning and Conduct Capability (CPCC) – the civilian equivalent of the EU Military Staff (EUMS). These developments are important, because the EU has recently started activities in Afghanistan and is about to assume a more active role in Kosovo. These are the two most challenging ESDP missions so far.

This short article gives an overview of the restructuring process. The main argument is that while this process should be seen as a gradual maturing of the ESDP machinery, three factors are pivotal for future success: whether there is a political will among member states for the actual development of a joint civil-military approach to crisis-management; whether the civilian and military bodies within the Council will be able to overcome their mutual mistrust; and whether the lessons from current and future operations will be taken seriously.

### Fine-tuning the military...

Throughout the history of ESDP, creating an 'autonomous' capability has been a fierce battle

among member states (and with the United States).<sup>4</sup> The guiding principle of ESDP can be summarised by Albright's three Ds (no decoupling, duplication, and discrimination).<sup>5</sup> For this purpose the NATO and the EU concluded the *'Berlin Plus' agreement*, under which the EU can use NATO assets. The first EU military mission – 'Concordia' – in Macedonia took place under these arrangements. It succeeded three NATO missions ('Essential Harvest', 'Amber Fox' and 'Allied Harmony') and the use of NATO assets thus seemed logical.

France was however keen to create more ESDP momentum in light of the American-led invasion in Iraq (2003). It seized the opportunity to implement the military operation 'Artemis' (DR Congo) under the aegis of the EU by making its own Operations Headquarters (OHQ) available; this to the frustration of NATO allies.<sup>6</sup> Despite the big French flavour, Artemis was the first so-called 'autonomous' EU operation (implemented under the *'Framework Nation'* operational scenario). In addition to the French OHQ, the EU can nowadays also use the British, German, Italian and Greek facilities, after the national governments make them available.

While on paper the Berlin Plus and National Framework operational scenarios give the EU ample room to implement ESDP missions, in practice the options are limited. During the preparations, for example, of the last military mission in Congo (2006), the UK OHQ was not available due to British involvement elsewhere. The French wanted to avoid the precedent of leading the second autonomous EU mission. The Italians were furthermore having elections, while the Greek OHQ was far from ready. The German OHQ was thus the only option and under European pressure, the Germans reluctantly agreed to take the lead.

Apart from the availability problem, the two operational scenarios also have their *disadvantages*. 'Outsourcing' the implementation of military missions to NATO leads to consistency problems with the civilian ESDP missions and the Commission programmes, while in the member states' OHQs there is a national bias: although the OHQ is formally 'multi-nationalised' during an operation, the Operation Commander – in charge of the OHQ – has the nationality of the country providing the OHQ. While he formally answers to Brussels, he is under significant indirect domestic political influence. Other disadvantages in the Framework Nation scenario include the expensive investments in hi-tech facilities, which remain unused most of the time, and a lack of ongoing

operational contingency planning.

Following the Tervuren 'Chocolate Summit' and based on an explicit political compromise – between those who wish to strengthen the autonomous character of ESDP (e.g. France and Belgium) and those who prefer transatlantic solidarity (e.g. United Kingdom) – the member states agreed on the creation of the Civil-Military cell (Civ-Mil cell).<sup>7</sup> This in turn prepared the ground for a third operational scenario conducted by an '*in house*' Operations Centre. During the negotiations, Britain insisted that this Operations Centre is not a permanent OHQ, but a standby facility. Only when all other options are not available, the Council can activate the Operation Centre on an *ad hoc* basis.

Despite its 'second rank', the Operations Centre has a *number of advantages* over the other scenarios. The Operations Commander is, for instance, located in walking distance of his political principals in the Political and Security Committee (PSC). A synergy between the civilian and military experts in Brussels is furthermore foreseen. The Operations Centre in Brussels will also simplify the chain of command and information exchange. In addition, based on the lessons from the latest EU military operation in DR Congo, the EUMS is currently looking for ways to strengthen its contingency planning capabilities in Brussels. Because of these practical advantages, it is not unlikely that the Operations Centre could become a more permanent facility in near future.

For the moment it remains modest. The Operations Centre Permanent Staff consists of only four military and four non-commissioned officials, who work on conceptual issues and keep the technical infrastructure running. When the Council activates the Centre some 35 'double-hatted' EUMS officials form within 5 days an 'Initial Operating Capability'. Within 20 days 'Full Operating Capability' is reached when the EUMS officials are joined by civilian colleagues from the Council Secretariat and 'augmentees' from the member states. In total the Operations Centre then consists of 89 officials. The five national OHQs, in comparison, consist of around 150-200 officials, while NATO's SHAPE has 1000 staff members.<sup>8</sup> These modest numbers have themselves contributed to ease much of the remaining suspicions on the NATO/US side. Due to its modesty the Operation Centre is only capable of carrying out operations with an Artemis/Battlegroup size (1500-2000 soldiers).

## ... and not forgetting Civilian Crisis Management

In addition to fine-tuning the military missions through the new Operations Centre, Civilian Crisis Management is being significantly restructured in what is known as the 'post-Hampton Court reforms'.<sup>9</sup> When ESDP was launched at St. Malo, the focus was exclusively on the improvement of the EU military capabilities in the aftermath of the Kosovo conflict. As a result of Nordic insistence, though backed by the United Kingdom, civilian crisis management was only added at a later stage.<sup>10</sup> Because it was a fairly late arrival, member states did not initially develop a strong institutional base for this branch of ESDP.

CIVCOM – the civilian equivalent of the EU Military Committee (EUMC) – does not, for example, possess the status and influence of its military counterpart in the ESDP decision-making process, despite having formally the same role: providing the PSC with advice. The EUMC is furthermore supported by a specialised military body, the EUMS, and by the Directorate for Defence Issues consisting of civil servants. These structures could draw on WEU and NATO expertise when they were created, which greatly assisted the quick institutional development of military branch of the ESDP.

The terms of reference for civilian crisis management were, in contrast, not so clear. Because the member states simply paid less attention to the civilian aspects of ESDP, they did not seriously invest in its conceptual basis. As a result CIVCOM, and its supporting Directorate for Civilian Crisis Management, had to be far more flexible, inventive and improvisational in developing their internal working procedures. This was partly done by copying and adjusting relevant military procedures and partly by gradually utilizing the lessons learned from the civilian operations. In this respect it is instructive that all the planning, command and follow-up of civilian ESDP operations has been done exclusively by the officials of the Directorate for Civilian Crisis Management without the help of a civilian equivalent of the EUMS and without a serious operational headquarters.

While the commitment of the staff in the Directorate for Civilian Crisis Management should be lauded, this improvisation did not lead to rigorous bureaucratic structures and lines of command. In other words it is a bit amateurish. Under the current scheme the Head of Mission on the ground, for example, directly reports to the

PSC. He will find it, however, difficult to 'call' the PSC ambassadors in case of a crisis. The Director of Civilian Crisis Management has over time informally acquired a position in between the Head of Mission and the PSC, but he is not reachable 24/7, he does not have the mandate to take firm decisions, and when he is away, there is no good deputy-system. Until recently with rather limited and/or safe civilian missions, this line of command did not constitute a big problem, but with a view to the missions in Kosovo and in Afghanistan, more professionalism is required. This implies the need for better structures, procedures and a conceptual basis.

One of the problems, as earlier mentioned, is that the Directorate for Civilian Crisis Management has become over time the equivalent of (a) the military Directorate for Defence Issues, (b) the EU Military Staff, and (c) the Operations Headquarters. The Directorate is, however, understaffed to carry out all these tasks properly, and lacks the necessary expertise and appropriate checks-and-balances (e.g. political control). Under the 'post-Hampton court' reforms, the Directorate for Civilian Crisis Management will therefore be split. A new body, the Civilian Planning and Conduct Capability (CPCC), will be created and will be directly attached to Solana's private office.<sup>11</sup> This CPCC will be the civilian equivalent of the EUMS and OHQ. While the Directorate for Civilian Crisis Management will remain in place, its task will be reduced to its political and strategic guidance functions.<sup>12</sup>

The director of the new CPCC will also be the permanent Civilian Operations Commander, who will have a formal position in the line of command between the Head of Mission and the PSC. The CPCC will draw most of its staff from the current Police Unit in the Directorate for Civilian Crisis Management – which will cease to exist – and will be directly responsible to the new Civilian Operations Commander. The CPCC will probably be a mix of permanent staff and seconded national officials, it will adopt a stricter bureaucratic hierarchy and it will be significantly strengthened. It is foreseen that the CPCC will be officially in place before the Kosovo mission starts.

### **Conclusion: towards consistency?**

While these institutional developments – the Operations Centre and the CPCC – are good pragmatic answers to the lessons learned from the seventeen operations to this date, the member states still have to tackle the consistency problems between the military and civilian branch of the ESDP. Since the very beginning ESDP has been

institutionalised in this civil-military dichotomy and has developed, as a result, two distinctive sets of institutional actors and chains of command. Overcoming this compartmentalisation increasingly becomes a must in order to guarantee EU effectiveness. Yet the consistency problems might actually *increase* due to the establishment of the new parallel structures.

As described above, some of the member states have seen ESDP from the outset as a purely military endeavour and perceive any civil-military developments as a distraction from the 'real' work. Other member states, on the other hand, have championed the civilian character of the ESDP. This split runs deep through the Council with the result that any new suggestions in the area of civil-military cooperation from the latter member states are perceived by the former as watering down the military robustness of ESDP. It is, for example, a widely shared understanding in Brussels that the EU needs to adopt the concept of integrated civil-military planning. This would mean that a civilian take-over from the military is planned from the outset and that civil and military experts collaborate throughout the overall implementation of a mission. Yet the political will behind the development of an integrated planning and implementation process has not been as explicit so far.

The Civ-Mil cell, which was originally created to improve civil-military coordination, is trapped right in the middle of this political debate. While it is supposed to strengthen the civil-military interface, it has, as a result of a political compromise, a strong military bias: the cell is located within the EUMS hierarchy, it is at the heart of the Operations Centre, and it is led by a General. The Civ-Mil cell thus operates in a politically divergent context. Civil-military proposals are informally neglected and instead of developing strategic contingency planning capabilities, the experts currently work on number of rather peripheral issues.<sup>13</sup> A real political consensus behind its ambitious mandate is thus lacking.

The divide among member states also limits the potential for overcoming the existing institutional divisions and power struggles within the Council Secretariat. The past seven years have rarely seen examples of close working relations between the Directorate for Defence Issues and the Directorate for Civilian Crisis Management. In addition, a power struggle between the Directorate for Defence Issues and the EUMS has negatively impacted on the role of the Civ-Mil cell. Fears from losing key competences in the

domain of strategic operational planning have made the Directorate for Defence Issues very protective *vis-à-vis* the EUMS and the Civ-Mil cell.

It will be interesting, in this respect, to see how the military side will perceive the CPCC – as an equal player or as a threat to the hitherto predominantly military logic present within the institutional structure of ESDP. Early indications show that there is a high level of political support for the CPCC among the member states, which will most probably give the new structure a strong position among the well-established older bodies. The question remains whether this will make ESDP more balanced or whether it will spark off a new series of turf battles.

As a final point it is important to keep an eye on the future lessons from ESDP operations. These, coupled with the dynamics of member states' preferences *vis-à-vis* the concept of integrated civil-military planning, will determine to a large extent, which path ESDP and its institutional structure will take. This in turn will determine whether ESDP is indeed heading for maturity.◇

<sup>1</sup> This article is based on interviews with officials from NATO, the Council Secretariat, European Commission and the Member States in Brussels (April-July 2007), conducted by the authors separately. We would like to thank all officials for their valuable input. Petar Petrov would also like to thank UACES and the European Commission whose financial support made his field trip possible (UACES Scholarships 2007). Any errors remain ours.

<sup>2</sup> On the ESDP administrative governance see: S. Duke and S. Vanhoonacker, 'Administrative governance in the CFSP: development and practice', *European Foreign Affairs Review*, 11, 2, 2006, pp. 163-182.

<sup>3</sup> For an overview see: M. Medina Abellán, 'Database of ESDP missions', *CFSP Forum*, 5, 1, 2007, pp. 17-22.

<sup>4</sup> On EU-NATO relations see: J. Howorth and J.T.S. Keeler, *Defending Europe: The EU, NATO, and the Quest for European Autonomy* (New York: Palgrave Macmillan, 2003); S.R. Sloan, *NATO, the European Union, and the Atlantic Community: The Transatlantic Bargain Reconsidered* (Oxford: Rowman & Littlefield Publishers, 2003); R.E. Hunter, *European Security and Defense Policy: NATO's Companion or Competitor?* (Santa Monica: RAND Corporation, 2002).

<sup>5</sup> M. Albright, 'The Right Balance Will Secure NATO's Future', *Financial Times*, 7 December 1998.

<sup>6</sup> S. Vanhoonacker, 'Co-ordination challenges in the area of ESDP', in H. Kassim, A. Menon & B.G. Peters (eds.), *Coordinating the European Union: Constructing, Coordination and Coherent Action in a Multilevel System* (Oxford: Oxford University Press, 2007 forthcoming).

<sup>7</sup> Italian Presidency, *European Defence: NATO/EU consultation, planning and operations*, 2003.

<sup>8</sup> H. Bentégeat, 'What's Past is Prologue', *Impetus: Bulletin of EU Military Staff*, 2, 1, 2007, pp. 6-8.

<sup>9</sup> The Hampton Court European Council (2005) dealt, *inter alia*, with ensuring that the crisis management structures can meet the new demands, particularly with a view to integrating civil-military structures.

<sup>10</sup> The Helsinki Presidency Conclusions (1999) mentioned civilian crisis management, while the Portuguese Presidency (2000) published a first report. The Swedish (2001) and Danish Presidency (2002) have been pivotal in making civilian ESDP missions operational.

<sup>11</sup> Cf. EUMS and Policy Unit

<sup>12</sup> Cf. Directorate for Defence Issues

<sup>13</sup> The Civ-Mil cell experts currently work on concepts such as Disarmament, Demobilization and Reintegration and Security Sector Reform, which although undoubtedly related to the notion of civil-military cooperation in crisis management, do not fall in the core competences of the Civ-Mil cell.

## Legal Responsibility for Agreements concluded by the European Union<sup>1</sup>

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Over the past few years the European Union has engaged actively in legal relations with third States and other international organisations. By now the Union has become a party to some eighty international agreements. With the increasing legal activity of the European Union on the international plane, particularly reflected in the coming of age of the European Security and Defence Policy (ESDP),<sup>2</sup> the question of its legal accountability becomes more prominent. Whereas the international legal responsibility of the European *Community* has been subject to extensive legal analysis,<sup>3</sup> the same does not hold true for the European *Union*.<sup>4</sup> It is unclear whether the Union as such may be held accountable for any wrongful act. While there are good reasons to assume that the Union already enjoyed an international legal status from the outset,<sup>5</sup> this does not imply that its external relations regime is therefore also comparable to the rules we know from Community law. The general perception is that the relationship between the European Union and its member states in the Common Foreign and Security Policy (CFSP) – and to a lesser extent in the Police and Judicial Cooperation in Criminal Matters (PJCC) is still clearly different from the relation the same member states maintain with the European Community, and that therefore different rules apply in relation to the legal effects of agreements concluded by the Union.

Both the conclusion of international agreements by the Union and its international activities in relation to military missions call for a fresh look at the relation between the Union and its member states in terms of international responsibility. If Henry Kissinger were in office, he would have every reason to raise the question 'Whom should I sue?', now that his famous question on the telephone number of Europe has been answered by the availability of the number of the High Representative for CFSP, Javier Solana.

### Shared Competences in European Foreign Policy

With regard to international agreements

concluded by the Union, Article 24 TEU is the applicable provision. The scope of this provision extends to police and judicial cooperation in criminal matters, as the cross-references in Articles 24 (CFSP) and 38 (PJCC) indicate. This turns the provision into the general legal basis for the Union's treaty-making, which may even be used to conclude cross-pillar (second and third) agreements.<sup>6</sup> The debate on whether such agreements are concluded by the Council on behalf of the Union or on behalf of the member states seems to be superseded by practice now that the Union has become a party to a number of international agreements on the basis of Article 24.<sup>7</sup> And even before that it was clear that 'it would hardly be persuasive to contend that such treaties are in reality treaties concluded by individual Member States.'<sup>8</sup> Most agreements are concluded within the framework of the ESDP, and relate to the participation of a third country in an EU mission or to the status of an EU mission in a third country. But agreements have also been concluded in the PJCC area and between the EU and other international organizations. Examples include the 2005 Agreement between the EU and Canada establishing a framework for the participation of Canada in the EU crisis management operations, the Agreement between the EU and the Democratic Republic of Congo on the status and activities of EUPOL Kinshasa, the 2006 Agreement between the EU and the United States of America on the processing and transfer of passenger name record (PNR) data by air carriers to the United States Department of Homeland Security, or the 2006 Agreement between the International Criminal Court and the EU on cooperation and assistance.<sup>9</sup>

While 'mixity' has become the solution in the Community to overcome the division of competences, the international agreements concluded under CFSP are – perhaps ironically – *exclusively* concluded by the European Union.<sup>10</sup> It would of course go too far to conclude on an exclusive competence for the Union on this basis. In fact the whole system of CFSP as described above seems to point to the existence of 'shared', or better, 'parallel' competences: both the Union and its member states seem to be competent to conclude treaties in the area of CFSP (including ESDP). This implies that, once the Union has concluded an international agreement, there is no direct legal relationship between the member states and the contracting third party.

### Conclusion of Agreements by the Council

The international agreements to which the Union has become a party may largely be categorised

as follows:

1. Agreements between the EU and a third state on the participation of that state in an EU operation;
2. Agreements between the EU and a third state on the status or activities of EU forces;
3. Agreements between the EU and a third state in the area of PJCC;
4. Agreements between the EU and a third state on the exchange of classified information;
5. Agreements between the EU and other international organisations;
6. Agreements between the EU and a third state in the form of an exchange of letters;
7. Joint Declarations and Memoranda of Understanding between the European Union and a third state;
8. Agreements concluded by European Union agencies.

The Treaty regime in Article 24 TEU is reflected in the way this provision has been used by the Union in practice. Recent research by Thym reveals that the procedure through which agreements are concluded confirms the central position of the Union's institutions and organs at all stages of the decision-making process.<sup>11</sup>

It is indeed striking that all agreements are concluded by the 'European Union' only; the member states are not mentioned as parties. This clearly deviates from earlier arrangements in which the Union was merely used to coordinate the external policies of the member states.<sup>12</sup> The entire decision-making process as well as the conclusion of the agreement does not reveal a separate role for the member states. Apart from the references to the European Union in both the texts and the preamble of the agreements and the fact that adoption and ratification is done 'on behalf of the Union', this is confirmed by the central role of the Union's institutions and organs (including the Presidency, the Council's working parties and the Council Secretariat), and the final publication in the L-series of the Official Journal (decision on *inter se* agreements of the member states are published in the C-series).<sup>13</sup> Indeed, 'fairly strange operations would be needed to demonstrate that a treaty concluded under such circumstances has instead created legal bonds between the third party concerned and each one of the Member States of the European Union.'<sup>14</sup>

It goes beyond the scope of this contribution to investigate the parliamentary procedures related

to these agreements in all 27 member states, but based on some discussions it seems that member states generally do not consider the EU agreements relevant to be put through their regular parliamentary procedure.<sup>15</sup> As ratification by the governments of the member states is not required for agreements concluded by the Union, their constitutional requirements simply do not apply.

### **Conclusion: Mixed Responsibilities for the Union and its Member States?**

Returning to the renewed 'Kissinger question': it seems that responsibility should first of all be sought at the level of the EU as this is the only contracting party. International treaty law seems to point to the presumption that member states are not liable for any conduct of the organisation. This presumption may, however, be rebutted and in the case of the EU no provisions or procedures on the non-contractual liability exist and a collective responsibility may be the result. An example could be the inability of the Union to live up to either its obligations arising out of the agreement or to more general (customary) obligations for instance related to the protection of human rights. Some recent case law could be interpreted as supporting this view.<sup>16</sup>

In practice, situations in which the question of international responsibility needed to be answered have not yet come up. Generally, claims – for instance related to the liability of a military mission – are dealt with within a private law system and born by the responsible national contingent in a mission. This may very well flow from the fact that even member states themselves have not concluded on their own immunity and accept responsibility for their behaviour in EU operations. While concrete issues are thus settled on a case by case basis, Naert recently presented some more general rules of guidance in these matters.<sup>17</sup> In his view member states remain responsible for any violation of their own international obligations, including through or by the EU, whenever the opposite would lead to an evasion of their international obligations.

This 'piercing of the institutional veil' may certainly be required from a practical point of view. After all, it remains difficult to sue international organisations even if they have violated agreements to which they are a party. On a more principled note, however, the question remains whether holding the member states responsible is legitimate, taking into

account the fact that in almost all cases the EU agreements have not even been dealt with at the domestic level: national parliamentary involvement has been excluded and governmental involvement has been limited to a vote as a member of one of the organisations institutions. The conclusion could therefore be that in cases where the Union is simply not able and/or willing to answer any legitimate demands of a third party, the proper route for the Union would nevertheless be to accept responsibility at the international level and to seek for compensation on the basis of internal EU law in relation to its own member states. After all, to conclude with a politico-legal statement: 'An entity discarding any notion of liability for its conduct could not be taken seriously in international dealings. As strange as it may seem, the capacity to incur international responsibility is an essential element of the recognition of international organisations in general and of the European Union in particular as entities enjoying personality under international law.'<sup>18</sup> ♦

<sup>1</sup> This contribution is based on my 'The European Union as Party to International Agreements: Shared Competences? Mixed Responsibilities', forthcoming in A. Dashwood and M. Maresceau (Eds.), *Law and Practice of EU External Relations – Salient Features of a Changing Landscape* (Cambridge: Cambridge University Press, 2007).

<sup>2</sup> More extensively, M. Trybus, *European Union Law and Defence Integration* (Oxford: Hart Publishing, 2005); and R.A. Wessel, 'The State of Affairs in EU Security and Defence Policy: The Breakthrough in the Treaty of Nice', *Journal of Conflict & Security Law* (2003), pp. 265-288.

<sup>3</sup> See for a recent overview P. Eeckhout, *External Relations of the European Union: Legal and Constitutional Foundations* (Oxford: Oxford University Press, 2004).

<sup>4</sup> See, however, F. Naert, *International Law Aspects of the EU's Security and Defence Policy* (Dissertation to be defended at the University of Leuven, 2007); as well as S. Blockmans, *Tough Love: The European Union's Relations with the Western Balkans*, dissertation to be defended at the University of Leiden and to be published by Asser Press, The Hague, 2007. Draft manuscripts in possession of the author.

<sup>5</sup> R.A. Wessel, 'The International Legal Status of the European Union', *European Foreign Affairs Review*, (1997), pp. 109-129; see also 'Revisiting the International Legal Status of the EU', *European Foreign Affairs Review*, vol. 5, 2000, pp. 507-537.

<sup>6</sup> See the 2006 Agreement between the European Union and the United States of America on the processing and transfer of passenger name records (PNR) data, which is based on Decision 2006/729/CFSP/JHA of the Council of 16 October 2006, OJ 2006 L 298, *supra* n. 6. This refers to both Articles 24 and 38.

<sup>7</sup> See, however, some early agreements which mention 'The Council of the European Union' as the contracting party, including the 1999 Agreement with Republic of Iceland and the Kingdom of Norway, and the 2000 Agreement with Republic of Iceland and the Kingdom of Norway.

<sup>8</sup> C. Tomuschat, 'The International Responsibility of the European Union', in E. Cannizzaro (ed.), *The European Union as an Actor in International Relations* (The Hague: Kluwer Law International, 2002), p. 181.

<sup>9</sup> OJ 2005 L 315, OJ 2005 L 256, OJ 2006 L 298, OJ 2006

L115 respectively.

<sup>10</sup> As the 2004 Agreement with the Swiss Confederation concerning the latter's association with the so-called Schengen *acquis* shows, combined EC/EU agreements are possible. A similar construction has been debated for the 2006 Cooperation Agreement with Thailand. In the end, however, the agreement was concluded as a traditional Community/Member State mixed agreement; see D. Thym, 'Die völkerrechtlichen Verträge der Europäischen Union', *ZaöRV* (2006), p. 48. A similar debate took place on the EU's accession to the ASEAN Treaty of Amity and Cooperation. As the relevant documents (such as Council Doc. 15772/06) are not in the public domain, the final outcome is not yet clear.

<sup>11</sup> See D. Thym, *ibid*, pp. 8-13.

<sup>12</sup> The prime example is formed by the *Memorandum of Understanding on the European Union Administration of Mostar*, which was concluded by the 'The Member States of the European Union acting within the framework of the Union in full association with the European Commission'; signed in Geneva on 5 July 1994. The Agreement was signed by the Presidency after approval by the Council on the basis of the very first CFSP Decision: 93/603/CFSP of 8 November 1993, OJ 1993 L 286; see also J. Monar, 'Editorial Comment – Mostar: Three Lessons for the European Union', *European Foreign Affairs Review*, vol. 2, 1997, pp. 1-6.

<sup>13</sup> More extensively, see D. Thym, *op.cit.*, p. 11-2.

<sup>14</sup> C. Tomuschat, *op.cit.*, p. 181-2.

<sup>15</sup> This is confirmed by G. De Kerchove and S. Marquardt, 'Les accords internationaux conclus par l'Union Européenne', *Annuaire Français de Droit International* (2004), p. 813: '[...] dans la pratique suivie jusqu'à présent aucun État membre n'a invoqué le respect de ses règles constitutionnelles lors de la conclusion par le Conseil d'accords dans le domaine de la PESC.'

<sup>16</sup> See in particular Case T-49/04 *Hassan*, para. 116 and Case T-253/02 *Ayadi*, judgments of 12 July 2006, nyr. The CFI held that: 'the Member States are bound, in accordance with Article 6 EU, to respect the fundamental rights of the persons involved, as guaranteed by the ECHR and as they result from the constitutional traditions common to the Member States, as general principles of Community law'.

<sup>17</sup> F. Naert, *op.cit.*, Chapter 3.

<sup>18</sup> C. Tomuschat, *op.cit.*, p. 183.

## The Limits of Europeanisation: British-German Co-operation within ESDP

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This short article examines the role of Germany and the UK in the emergence of the European Security and Defence Policy (ESDP) of the European Union (EU). Germany and the United Kingdom have significant challenges stemming from their involvement in the ESDP. Germany has had to accept the burden of ESDP leadership alongside France and the UK. For its part, the UK has had to reassess its national position in light of the emergence of a more assertive EU foreign policy voice in world affairs. Germany and the UK are vitally important to the success of the EU's attempts to play a more active role in crisis management operations around the globe. Both countries have been committed members of the North Atlantic Treaty Organisation (NATO) since the early days of the Cold War and remain committed to NATO's continued existence as the cornerstone of European and transatlantic defence. During the Cold War, the bilateral defence relationship between London and Bonn within NATO was referred to as the *Stille Allianz* (the quiet alliance).<sup>1</sup> The idea of the *Stille Allianz* highlighted shared German and British interests in strong transatlantic partnership, at the same time as recognising the importance of European efforts to alleviate the tensions of the Cold War stand-off. Whilst the end of the Cold War did not witness a significant deterioration in defence relations between the two states, the absence of the bipolar standoff signalled a vastly different international context within which the Germany and the UK operated.

This article asserts that British-German defence relations can be characterised by political divergence and operational convergence. This mix of close functional co-operation on the one hand and political and strategic discord on the other has resulted in confusion in bilateral relations. This confusion plays a major role in discordance within NATO and EU as both organisations seek to establish a more equitable division of labour in crisis management around the globe. The seeds of this dynamic were sown during the 1990s and in particular, in diplomatic efforts to bring stability to the former-Yugoslavia. Further complications have emerged

concerning the geopolitical implications of the USA's response to the terrorist attacks on Washington and New York on 11 September 2001. We assert that the not insubstantial practical co-operation which takes place between the UK and Germany in military operations will have limited impact due to the political gaps which remain between the two governments in Berlin and London. Furthermore, the relatively weak institutionalisation of British-German relations, in contrast to Franco-German relations, means that Berlin and London lack the necessary fora in which to co-ordinate policy.<sup>2</sup> This is problematic, as in order for the ESDP to develop further, the UK and Germany, as well as France, will need to build a more cohesive common position.

### Europeanisation Compared

Europeanisation has occurred within Germany and the UK due to the emergence of ESDP – yet this has not prevented Berlin and London diverging on major questions in security and defence. Europeanisation is a two-way process: adaptation to developments on the EU level (*downloading*) and efforts by member states to *upload* national policies and institutions to the European level.<sup>3</sup> To summarise, Germany has undergone modest Europeanisation.<sup>4</sup> In terms of *downloading*,<sup>5</sup> the major political parties and foreign policy elites within Germany accept Germany's responsibilities in military crisis management within ESDP (see Table 1). This has necessitated a substantial reform of the military in order to prepare the Bundeswehr for multinational crisis management operations across the globe.<sup>6</sup> Despite this new commitment we have not seen a significant allocation of resources to equipping the Bundeswehr to meet these challenges. However, efforts have been made to rationalise Germany's role in the European defence industry as part of European Aeronautic Defence and Space (EADS) and the European Defence Agency (EDA). Germany has been influential in *uploading*<sup>7</sup> its policy preferences to the EU-level. This was most visible during the formative phase of ESDP, but since 9/11 and the enlargement of the EU to 27 states, Germany has found it more difficult to place its mark on ESDP. Despite this, Germany's leadership of EUFOR RD Congo in 2006 was a significant step for Germany. In sum, ESDP represents a useful mechanism through which Germany can conduct foreign policy with its EU partners. NATO's continued dominance of hard security within Europe, ESDP's limited scope and the lack of cohesion evident in foreign policy among the enlarged EU, have limited the impact of ESDP on German policy.

The UK has also gone through a limited degree of Europeanisation due to its involvement in ESDP.<sup>8</sup> The UK's agreement with France at St Malo in December 1998 was a clear sign that Blair had accepted the necessity of autonomous EU defence capabilities as a means to strengthen transatlantic relations through improved burden sharing in crisis management. This sea-change in opinion represented adaptation on the domestic level. The UK's capabilities-driven approach to ESDP was central to getting the project of the ground and driving the Headline Goal agenda to put in place the necessary capabilities for the EU to undertake military crisis management operations. The story of British Europeanisation is more a case of uploading policy in co-operation with France than of downloading in the form of root and branch foreign policy adaptation. Fundamentally, however, the decision to go to war in Iraq and Afghanistan has diverted British attention away from developing ESDP. These commitments within NATO and alongside coalition forces in Iraq have ensured that the UK has been less able to put substantial resources into developing ESDP in the last 2-3 years. The UK, however, remains a key player in the development of ESDP, most notably in the area of EU/NATO relations.<sup>9</sup>

Germany and the UK have traditionally sought to varying degrees, to balance European and transatlantic relations – both countries have claimed 'special relationships' with the USA, whilst Germany's record within the EU is considerably more consistent than the UK. Germany was particularly adept at this during the Cold War through its close ties with France in the EU and the USA in NATO. The UK, for its part, realised the importance of strong European links, as long as this did not compromise transatlantic relations. This is why the *Stille Allianz* was able to function quite successfully during the Cold War. With the end of the Cold War, we have seen, particularly in recent years, a marked diminution in Germany and the UK's ability to balance the demands of Europeanism and Transatlanticism which has been to the detriment of British-German relations. When the chips are down – as was the case during the Iraq crisis of 2002-2003, the UK continues to side with the USA, despite the impact this may have on relations with other EU partners. Yet, Tony Blair's major input to debates over European defence was to push for the strengthening of EU capabilities to bolster EU-USA relations post-St Malo. Herein lies the key to forging stronger British-German relations. Germany and the UK must find a way

to better balance the demands of Europeanism and Atlanticism in order to create a space for bilateral relations to flourish.

### **The Pressures of Leadership in ESDP – What Unites and What Divides Berlin and London?**

The emergence of EU military capabilities presented Germany with more of a challenge than is the case for the UK. Germany's role as operational leader of EUFOR DR Congo underlined Berlin's claim for leadership within ESDP alongside France and the UK. Yet, Germany faces a dual-challenge in the emerging ESDP – how to influence the development of ESDP within an enlarged EU of 27 states and how to see through the long-awaited reform of the German military.<sup>10</sup> The German government's decision to endorse the call for German participation in the mission was taken on 17 May 2006.<sup>11</sup> Germany was forced into playing the lead role in composing the force largely due to British disinterest in participating in the mission (because of its priorities in Afghanistan and Iraq) and French reluctance to lead an EU mission to the Congo for the second time in the space of three years. At the same time, the government in Berlin had to face the realities of Germany's increased international role. The deployment of German forces under an EU flag in Africa is a sign of greater EU and German commitment to play a more prominent role in African affairs.

Germany's leadership aspirations is further complicated by a German foreign policy rhetoric which remains largely reserved when it comes to the use of force – the UK has traditionally been freer in deploying military force around the globe. German Foreign Minister Steinmeier's description of Germany's 'self-confident modesty' has set the tone of Grand Coalition foreign policy since 2005. This has been in evidence in the EU3's attempts to negotiate with Iran over its proposed nuclear programme. However, given the growing demands of leadership within CFSP, a narrow *directoire* of France, the UK and Germany may no longer be enough to fulfil the EU's newfound responsibilities, especially in light of existing commitments in Afghanistan, Iraq, the Balkans and in Africa. Relaxing the exclusivity of the ESDP *directoire* to include Spain, Italy and potentially Poland may in the short-term restrict the dominance of the EU3. In the longer term, however, drawing in more stakeholders could greatly reduce the burden of leadership on the big three in ESDP missions.

Chancellor Merkel has been well received for her engagement in international affairs. Attempts to reduce tensions between Washington and Berlin will leave more space for improved relations

between Germany, the UK and other transatlantic-leaning EU member states. Furthermore, in the context of the enlarged EU of 27 states, Merkel appears to be open to pursuing a greater variety of alliances and partnerships within the EU and is thus less stuck on an exclusive Franco-German dialogue. Merkel's courting of George W. Bush in 2006, her more pragmatic approach to relations with Vladimir Putin and her co-operation with Chirac in leading EUFOR RD Congo are signs of Merkel's efforts not to put all her diplomatic eggs in one basket. Within this context, the EU's diplomacy to avert the development of Iran's nuclear weapons programme has drawn Germany further into efforts to maintain Middle Eastern stability. Germany's position as a leading EU state has afforded it a seat at the high-level negotiations with Iran alongside permanent UN Security Council members. In Afghanistan too, Germany has carried a large part of the burden for maintaining the stability of the country, although it remains reluctant to become embroiled in efforts to tackle the Taliban in the south of the country. It remains to be seen whether Brown, Merkel and Sarkozy can develop a shared vision for ESDP and the EU's role in foreign affairs.<sup>12</sup>

## Conclusion

The key to improved British-German relations within ESDP is a sustained effort on the part of Berlin and London to work towards a more effective balancing of European and Atlanticist interests. When discussions within the EU turn to defence and security policy, large cracks emerge on the common issues which they face.<sup>13</sup> Relative cohesion over such issues as Iran or in ESDP military operations is countered by divergence on Iraq and the issue of caveats for German troops in Afghanistan. In operational terms in the Balkans or further afield, British and German troops work well together and Germany has now demonstrated that it is fully committed to a capabilities-led approach to the development of ESDP – albeit with a strong emphasis on balancing military with civilian capabilities. Finally, the UK continues to refuse to view the ESDP as a step along the way to political union of the EU member states, which puts the UK at odds with the integrationist vision of German governments.

Both the UK and Germany have Europeanised – albeit to a limited degree. Forging closer relations with the EU, however, is clearly not

enough. ESDP remains a modest tool. With the development of the NATO Response Force, the old issue of duplication of capabilities between the EU and NATO continues to complicate transatlantic relations. The thorny issue of the Bundeswehr's involvement in Afghanistan – a deployment whose parliamentary mandate is up for renewal this autumn – reflects the political differences which this article suggests complicates British-German relations.<sup>14</sup> Despite this, it is in the interest of both states to work towards a division of labour – a balance between Europeanism and Atlanticism – which strengthens both strategic positions. The UK and Germany are best placed to achieve this balance drawing on their collective experience during the Cold War as a *Stille Allianz*, to forge consensus within the EU. Mediating between the extremes of Europeanism and Atlanticism will be in the vital interests of both states for the years to come.◊

<sup>1</sup> K. Kaiser and J. Roper, *Die Stille Allianz: Deutsch-britische Sicherheitskooperation* (Bonn: Schriften des Forschungsinstituts der Deutschen Gesellschaft für Auswärtige Politik: Europa Union Verlag, 1987).

<sup>2</sup> See W.E. Paterson and J. Sloam, 'Großbritannien', in S. Schmidt, G. Hellmann and R. Wolf (Hrsg.) *Handbuch zur deutschen Außenpolitik*, (Wiesbaden: VS Verlag, 2007).

<sup>3</sup> S.J. Bulmer and C.M. Radaelli, 'The Europeanisation of National Policy?', *Queen's Papers on Europeanisation*, No 1/2004,

[http://www.qub.ac.uk/schools/SchoolofPoliticsInternationalStudiesandPhilosophy/FileStore/EuropeanisationFiles/Fileupload\\_38405.en.pdf](http://www.qub.ac.uk/schools/SchoolofPoliticsInternationalStudiesandPhilosophy/FileStore/EuropeanisationFiles/Fileupload_38405.en.pdf)

<sup>4</sup> A. Miskimmon, *Germany and the Common Foreign and Security Policy of the European Union: Between Europeanisation and National Adaptation* (Basingstoke: Palgrave, 2007).

<sup>5</sup> Michael E. Smith defines four criteria of downloading – elite socialisation; bureaucratic reorganisation; shifts in public opinion on CFSP; constitutional/legislative changes. In addition to this, resource allocation is another defining feature of domestic adaptation.

<sup>6</sup> For the current list of German military deployments see Table 1.

<sup>7</sup> Uploading can be broken down into the following mechanisms of adaptation: Agenda setting; example setting; ideational export; exaggerated multilateralism/institution building. EU member states view uploading as vital to their national policies, as this enables member states to influence EU policy decisions and institution building, thereby reducing the need for policy adaptation on the domestic level.

<sup>8</sup> A. Miskimmon, 'Continuity in the face of upheaval - British Strategic Culture and the impact of the Blair Government', in Kerry Longhurst and Marcin Zaborowski (eds), *Old Europe, New Europe and Transatlantic Security*, Special Edition of *European Security* vol. 13, no. 3, 2004, pp. 87-113.

<sup>9</sup> A. Menon, 'From crisis to catharsis: ESDP after Iraq', *International Affairs*, vol. 80, no. 4, 2004, pp. 631-648.

<sup>10</sup> For further analysis of defence reforms within Germany see T. Dyson, 'German Military Reform 1998-2004: Leadership and the Triumph of Domestic Constraint Over International Opportunity', *European Security*, vol. 14, no. 3, 2005, pp. 361-386.

<sup>11</sup> Bundesregierung, 'Antrag der Bundesregierung: Beteiligung bewaffneter deutscher Streitkräfte an der EU-geführten Operation EUFOR RD CONGO zur zeitlich befristeten

Unterstützung der Friedensmission MONUC der Vereinten Nationen während des Wahlprozesses in der Demokratischen Republik Kongo auf Grundlage des Resolution 1671 (2006) des Sicherheitsrates der Vereinten Nationen vom 25 April 2006', *Drucksache 16/1507*, 17 May 2006.

<sup>12</sup> French President Nicolas Sarkozy has already outlined his commitment to developing the EU's role in global affairs, calling for a new European Security Strategy to be written during the 2008 French Presidency of the European Council to replace the existing document of 2003. See N. Sarkozy, 'Den Lauf der Dinge ändern', *Frankfurter Allgemeine Zeitung*, 31 August 2007, p.9; J. Thornhill, 'Sarkozy in drive to give EU Global Role', *Financial Times*, 28 August 2007, <http://www.ft.com/cms/s/0/7ee9e8dc-54d1-11dc-890c-0000779fd2ac.html> .

<sup>13</sup> K. Longhurst and A. Miskimmon, 'Same Challenges, Diverging Responses: Germany, the UK and European Security', *German Politics*, vol. 16, no.1, 2007.

<sup>14</sup> Deployments of the German armed forces require parliamentary consent. The current debate has focused on not the pulling out of German troops – rather, what their role should be in Afghanistan. See for example, *Frankfurter Allgemeine Zeitung* (2007) 'Afghanistan: Jung schließt Einsatz im Süden aus', 5 September 2007, <http://www.faz.net/s/RubDDBDABB9457A437BAA85A49C26FB23A0/Doc~E626336A2BAE14F4CBECBD8DABD30BB7A~ATpl~Ecommon~Scontent.html>; J. Dempsey, 'Amid Escalating violence in Afghanistan, rising opposition in Germany to military mission', *International Herald Tribune*, 19 August 2007, <http://www.ihf.com/articles/2007/08/19/news/germany.php>

**Table 1: Numbers of German personnel deployed in crisis management missions overseas. Correct as of 25 July 2007.**

Total number of German military personnel on deployment: 7,684

	Total	Female Personnel	Reservists	Conscripts volunt. for extended enlistment
ISAF Afghanistan Uzbekistan	3,236	156	259	96
UNAMA Afghanistan	1	-	-	-
KFOR Kosovo	2,279	112	188	210
EUFOR Bosnia and Herzegovina	518	56	33	13
UNMIS Sudan	41	0	0	0
UNIFIL Lebanon	1,087	32	8	134
Active Endeavour	24	-	-	-
UNOMIG Georgia	11	1	1	0
RECCE Tornados Afghanistan	188	0	2	0
UNMEE Ethiopia Eritrea	2	0	0	0
OEF Horn of Africa	257	15	4	25
On stand-by in Germany for medical evaluation purposes (STRAT AIRMEDEVAC)	42	-	-	-

## Expectations and Experiences in EU External Relations: The First Nine Months of Romania's EU Membership

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Prior to Romania's accession to the European Union (EU) on 1 January 2007, the country's then Foreign Minister, Mihai-Răzvan Ungureanu, was keen to point out that Romania would not only be making a positive contribution to the Common Foreign and Security Policy (CFSP) and the European Security and Defence Policy (ESDP), but that it had long been an active supporter of EU action in these policy areas. He noted both Romanian alignment over several years with CFSP statements and the country's pre-accession participation in various ESDP missions in Bosnia-Herzegovina, Macedonia and the Palestinian Territories. He also indicated that, as a member state, Romania would 'bring to the EU its own windows to the outside world, its own areas of specific expertise, as well as the force of arguments in areas of vital national interest' adding that 'Romania wants to be a trusted, reliable, active partner, a promoter of an increasingly *common* foreign and security policy, a facilitator of consensus, an actor that contributes positively to the assertiveness of the EU as a global player'.<sup>1</sup>

More specifically, Ungureanu identified six areas where Romania would be urging increased EU engagement: relations with Moldova and supporting efforts to end the Transnistria conflict; relations with Ukraine; implementation of the European Neighbourhood Policy (ENP); engagement with the Black Sea area; a 'constructive, effective and close transatlantic relationship'; and complementarity with NATO.<sup>2</sup> Such priorities are also reflected in the government's foreign policy priorities for 2007 which refer explicitly too to the consolidation of the CFSP and ESDP and the development of a common external EU energy strategy as well as the development of a migration strategy.<sup>3</sup>

These priority areas had for the most part previously been signalled so were well known among Romania's partners well before accession.<sup>4</sup> Generally, each is broadly in line with established or emerging EU interests and objectives, although in terms of actual substance some Romanian preferences go

beyond what the EU is currently prepared to consider, notably concerning Romania's neighbours. In other instances, particularly where transatlantic relations and the status of NATO are concerned, Romania's close ties with and support for the United States have raised eyebrows in some quarters about the country's willingness to be an active and *communaautaire* supporter of the further development of the CFSP and ESDP. As a new member, therefore, Romania faces two important challenges as far as the CFSP is concerned: ensuring its preferences are reflected in EU policy; and dispelling any concerns about its reliability as a partner in EU external relations and foreign, security and defence policy cooperation.

On the first of these challenges, Romania's faces a number of obstacles in realising – at least in full – its objectives. This is particularly the case regarding Moldova as well as its wider neighbourhood, in particular the Black Sea region. On Moldova, once part of Romania, the desired 'clearer European perspective' is proving difficult to achieve given the EU's more cautious approach to enlargement since 2004 and its evident reluctance to consider signalling the prospect of eventual membership to one country without doing likewise for other would-be members in south-eastern Europe. Similarly, the desire to see a more credible and substantive policy towards Moldova – whether through a more substantial ENP generally or increased differentiation and a more tailored bilateral relationship – is proving difficult to achieve given the EU's uncertain, if not confused, approach to the ENP and how to respond to the long-term membership aspirations of its new eastern neighbours. Nevertheless, the presence of Romanian officials and ministers at Council debates does provide a ready champion of Moldova's integration aspirations. It also ensures that there is support for sustained and potentially intensified EU involvement in efforts designed to resolve the Transnistria conflict. Romania may not be able, in the absence of widespread consensus among the other member states, to deliver the greater EU engagement it might wish and 'irrevocably determine the landmarks of the European road of the Republic of Moldova',<sup>5</sup> but the fact that it now has a seat at EU decision-making tables at least provides opportunities to advance the case for the EU assuming greater responsibility for and utilising its increasing capacities to address important security issues just beyond its borders. Whether other member states will in the future respond positively to Romanian preferences remains to be seen. On Moldova, EU engagement has to be assessed in

the light of relations with Russia. Similarly, whether Romania will be successful in its efforts to upload to the level of EU external relations its bilateral dispute with Ukraine over the environmental consequences for the Danube Delta of the building of the Bystroye Canal – the matter was unilaterally raised by Romania's new foreign minister, Adrian Cioroianu, at a meeting of the General Affairs and External Relations in May 2007 – will depend heavily on what the broad consensus is regarding how the EU should pursue relations with Ukraine.

Although the EU since the beginning of 2007 has not significantly increased its engagement with Moldova either in terms of progress, for example, towards negotiations on an Enhanced Agreement or on the Transnistria issue, there has been movement in a further priority concern of Romania: the wider Black Sea region. The publication in April 2007 of the Commission's proposals for a new regional cooperation initiative – Black Sea Synergy – signalled awareness at least of the need for more coordinated action towards the region.<sup>6</sup> However, in advocating continued reliance on the development and implementation of existing policies towards countries in the region, notably the pre-accession strategy with Turkey, the ENP and the Strategic Partnership with Russia, the Commission expressly ruled out proposing a Black Sea strategy. Although Cioroianu welcomed the Commission's communication as representing 'a message of encouragement that EU's policies and instruments for the region will receive more attention',<sup>7</sup> it could not have been lost on the Romanians that the EU would not be taking up their call of recent years for a dedicated Black Sea Strategy. Much effort had been made in making the case for this and in identifying key elements.<sup>8</sup> However, Romania's enthusiasm for a more comprehensive engagement with the region is not universally shared within the EU.

Regarding the second challenge identified above, the first nine months of membership has seen a number of statements by Romanian politicians and officials asserting the country's determination to promote its own interests as well as the common EU interest.<sup>9</sup> Such statements are by no means peculiar to Romania whose politicians and officials are equally as likely to assert the need for EU action under the CFSP. Nor should they detract from Romania's overall record of support for CFSP positions and ESDP actions prior to and since membership. But to some of the more integration-minded EU member states and to

some officials involved in the CFSP and ESDP, they confirm suspicions that Romania is not among the most *communautaire* of the new members. In particular, they would point to the close relations Romania enjoys with and the support, sometimes controversial, it gives to the United States. Indeed, six months after Romania became an EU member, a second Council of Europe report into US rendition activities following the 11 September 2001 attacks maintained that Romania – along with Poland – hosted secret and illegal CIA prisons between 2003 and 2005.<sup>10</sup> Although it vigorously contested the claims and that it was therefore implicated in the human rights abuses associated with these CIA prisons, the Romanian government was unable to convince its doubters and disassociate itself entirely from the much criticised and often condemned US handling of terrorist suspects. Its standing within the EU did not benefit. Similarly, the fact that Romania remains a staunch ally of the United States on Afghanistan and Iraq sustains concerns in some quarters about where its priorities lie. Such concerns can only have been exacerbated by the news in late August 2007 that Romania, as US and Romanian forces began a three month joint training exercise, appeared to be moving closer to hosting a long-term US military presence at its Mihail Kogalniceanu air base.<sup>11</sup>

Those suspicious of Romania's *communautaire* credentials would also draw attention to the dissenting position Romania has adopted on the 'supervised independence' for Kosovo proposed in the Ahtisaari plan that has been formally endorsed by the EU. The opposition expressed at the time the plan was published in March 2007 was restated when the Romanian President, Traian Băsescu, informed Romania's ambassadors six months later that 'Serbia is an independent, sovereign state whose territorial integrity must not be affected' and 'there is no legal foundation for the creation of a Kosovo state'.<sup>12</sup>

Significant divergence from the majority position in the EU can undermine a new member state's efforts to establish its credibility as a reliable member – as opposed to candidate – committed to upholding shared positions and pursuing agreed aims and objectives. It is a particular challenge for Romania given the doubts about its state of preparedness for membership in the run up to 1 January 2007, the subsequent monitoring by the Commission even if this does not cover CFSP matters, and the persistent concerns about corruption and judicial capacity in the country. Moreover, the domestic political turmoil Romania experienced during the first five months of 2007 did little to assuage concerns. This was dominated by a complete breakdown in relations between the

Prime Minister, Călin Popescu-Tăriceanu and the President, Traian Băsescu, with the young, but diplomatically experienced Ungureanu being one of the first enforced departures from the government. This, plus the failure for several weeks to agree a replacement – Ungureanu's replacement, Adrian Cioroianu, was initially vetoed by Băsescu on grounds of his 'insufficient diplomatic experience' – and the political machinations that eventually culminated in a referendum on the impeachment of Băsescu which the suspended President won did little to enhance Romania's standing among its EU partners. Indeed, only weeks after taking office, Cioroianu warned that the EU 'has a limit' and that after the referendum politicians should stop fighting and 'get back to work'.<sup>13</sup>

For Romania, the first nine months of EU membership have been a testing and revealing time. In most cases, the country has lived up to its pre-accession claims that it would contribute willingly and in a committed manner to the CFSP and ESDP, actively support the development of closer relations with Moldova and the enhancement of the ENP, encourage greater involvement of the EU in the Western Balkans and in the Black Sea region; and advocate a consolidation of transatlantic relations. But it has not been easy given the domestic political context and the extent to which national preferences and priorities have not always mirrored those of the majority of fellow member states, several of which are wary of some of Romania's positions and its capacity more generally to deliver on commitments. Moreover, while Romania may have set itself certain goals, it has had to come to terms with the dense and complex realities of EU policy- and decision-making processes that rarely lend themselves to new member states having the impact they might wish on policies and practices whether long-established or, as in the case of the ENP and relations with Moldova, in the relatively early stages of development. ◊

<sup>1</sup> M.R. Ungureanu, 'The Common Foreign and Security Policy: What Can Romania Bring?', in D. Phinnemore (ed.), *The EU and Romania: Accession and Beyond* (London: Federal Trust, 2006), pp. 135-42 at 137 and 142 (emphasis in original)

<sup>2</sup> Ibid.

<sup>3</sup> Ministry of Foreign Affairs, *Priorities of Romania's Foreign Policy in 2007*, Bucharest ([www.mae.ro/index.php?unde=doc&id=11639&idlnk=1&cat=3](http://www.mae.ro/index.php?unde=doc&id=11639&idlnk=1&cat=3) – accessed 23 August 2007).

<sup>4</sup> They also featured prominently in the address of the new Foreign Minister, Adrian Cioroianu, to the ambassadors of the EU member states in Romania on 18 April 2007.

<sup>5</sup> Ministry of Foreign Affairs, *op cit.*

<sup>6</sup> European Commission, *Black Sea Synergy – A New Regional Cooperation Initiative*, COM (2007) 160 final,

Brussels, 11 April 2007

([ec.europa.eu/world/enp/pdf/com07\\_160\\_en.pdf](http://ec.europa.eu/world/enp/pdf/com07_160_en.pdf) - accessed 3 September 2007).

<sup>7</sup> A. Cioroianu, *Speech to the Conference Enhancing Civil Society Contribution to Black Sea Regional Security: Matching Words and Deeds*, Bucharest, 10 July 2007 ([www.mae.ro/index.php?unde=doc&id=11903&idlnk=2&cat=4](http://www.mae.ro/index.php?unde=doc&id=11903&idlnk=2&cat=4) – accessed 1 September 2007)

<sup>8</sup> See, for example, the Romanian sponsored proposals in R.D. Asmus, et al (eds), *A New Euro-Atlantic Strategy for the Black Sea Region* (Washington D.C.: German Marshall Fund, 2004).

<sup>9</sup> See, for example, A. Cioroianu, *Speech to the Annual Meeting of Romanian Diplomacy*, Bucharest, 3 September 2007 ([www.mae.ro/index.php?unde=doc&id=11913&idlnk=2&cat=4](http://www.mae.ro/index.php?unde=doc&id=11913&idlnk=2&cat=4) – accessed 6 September 2007).

<sup>10</sup> Council of Europe – Parliamentary Assembly, *Secret detentions and illegal transfers of detainees involving Council of Europe member states: second report (Rapporteur: Dick Marty)*, Doc, 11302 rev, 11 June 2007 ([assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc07/EDOC11302.htm](http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc07/EDOC11302.htm) – accessed 15 July 2007).

<sup>11</sup> 'US and Romania begin 3-month joint training exercise', *International Herald Tribune*, 27 August 2007 (via [www.ihf.com](http://www.ihf.com) – accessed 28 August 2007).

<sup>12</sup> 'EU Ministers to avoid Kosovo question amid ongoing disunity', *EUObserver*, 19 April 2007; 'Romania backs Serbia on Kosovo', *Radio Free Europe/Radio Liberty Newslines*, 6 September 2007.

<sup>13</sup> 'Romanians Vote On Whether To Remove President', *Radio Free Europe/Radio Liberty*, 19 May 2007 (via [www.rferl.org](http://www.rferl.org) – accessed 22 May 2007). For a lively assessment of Cioroianu, see 'The Graduate: Adrian Cioroianu', *European Voice*, 24 May 2007, p. 10.

**CALL FOR PAPERS SPECIAL ISSUE 2008: Revisiting Coherence in the Common Foreign and Security Policy (CFSP)**

The foreign policy of the European Union (EU) has long been the subject of research. The putative lack of coherence is generally ascribed to the multiplicity of actors involved in the decision-making process (Commission, Council, High Representative of CFSP), and the diversity of policy fields whose outputs constitute European foreign policies. The complex institutional framework of the EU, often represented as a temple resting on three different pillars (Community, CFSP and Justice and Home Affairs), is held to be at the root of the incoherence that characterises EU foreign policy. 'Policy coherence' requires all actors involved in EU foreign policy-making not to engage in conflicting foreign policy actions. The EU is meant to ensure 'horizontal' coherence between the different policy fields, as well as 'vertical' coherence between the foreign policies of the EU itself and those of its member states.

It is often argued that coherence in foreign policy action is a pre-requisite for an effective foreign policy of the EU. The EU itself has addressed this issue: The High Representative for the CFSP Solana presented a report on the enhancement of coherence and effectiveness in EU external action already in 2000. In the aftermath of the rejection of the Constitutional Draft, the Commission also put forward a plan for greater coherence and effectiveness at the request of the European Council.

Despite the political relevance of the coherent and effective European Foreign Policy, the claim that the EU conducts an incoherent foreign policy has not yet been systematically investigated. Why does coherence matter? Which theoretical underpinnings form the basis for the need for coherence? Which indicators can we use to measure coherence? How does incoherence actually affect foreign policy, and what consequences does it have for effectiveness? For this *Special Issue of hrss* we are seeking both theoretical as well as empirical-analytical papers addressing the debate on the postulated need for coherence in foreign policy and/or the empirical case-studies supporting that claim.

The following questions can serve as examples/ guidelines:

- 1) Which theories support the need for coherence in foreign policy?
- 2) How coherent is the foreign policy of the EU? Is the EU less coherent than other international actors?
- 3) Why, and to what extent, should the EU act coherently?
- 4) Does coherence imply that the EU action should be based on norms in international relations?
- 5) Does coherence enhance the effectiveness of EU foreign policy? Which examples demonstrate the coherence/incoherence of EU external action?

Die Forschung zur Außenpolitik der Europäischen Union (EU) beschäftigt sich seit langem mit der Frage nach ihrer Kohärenz. Der vermeintliche Mangel an Kohärenz der Außenpolitik der EU wird auf die Vielfalt der Akteure und Politikfelder zurückgeführt, die in unterschiedlichem Maße und mit unterschiedlichen Kompetenzen an ihrer Gestaltung beteiligt sind (Kommission, Rat, Hoher Vertreter der GASP). Insbesondere wird für die Inkohärenz der komplizierte institutionelle Rahmen der EU, der in dem Bild eines sich auf „drei Säulen“ stützenden griechischen Tempels Ausdruck findet, verantwortlich gemacht. Kohärenz kann in diesem Kontext als die Anforderung an alle in der Außenpolitik der EU involvierten Akteure, nicht gegensätzlich zueinander verhaltene außenpolitische Schritte zu unternehmen. Neben der „horizontalen“ Kohärenz zwischen den Politikfeldern wird zudem gefordert, die EU müsse die „vertikale“ Kohärenz zwischen dem außenpolitischen Handeln der Mitgliedstaaten und ihrem eigenen Handeln gewährleisten.

Oftmals wird diese Anforderung damit begründet, nur kohärentes Handeln könne effektive Ergebnisse nach sich ziehen. Die EU hat selber diese Forderung aufgegriffen: Bereits 2000 präsentierte der Hohe Vertreter der GASP Solana, einen Bericht zur Verbesserung von Kohärenz und Effektivität. Vor dem Hintergrund des Scheiterns des Verfassungsvertrages, legte die Kommission auf Aufforderung des Europäischen Rates 2006 ihren Plan für größere Kohärenz und Effektivität vor.

Trotz der politischen Relevanz, die die Forderung nach einer kohärenteren und effektiveren Europäischen Außenpolitik erlangt hat, wurde der Vorwurf, die EU agiere als außenpolitischer Akteur inkohärent, bisher noch nicht *systematisch* wissenschaftlich untersucht. Warum ist Kohärenz wichtig? Welche Theorie außenpolitischen Handelns liegt dem Postulat der Kohärenz zugrunde? An welchen Indikatoren wird außenpolitische Kohärenz gemessen? Inwiefern wirkt sich Inkohärenz tatsächlich auf das Außenhandeln der EU aus, und welche Folgen hat sie für dessen Effektivität?

Für diesen **Special Issue von hrss** suchen wir sowohl theoretisch angeleitete, als auch empirisch-analytische Beiträge, die sich mit der Diskussion um die Notwendigkeit und den empirischen Belegen für die oftmals in der Wissenschaft postulierte Bedingung von Kohärenz in der Außenpolitik der EU beschäftigen.

Folgende Fragen können als Anregungen für potenzielle Beiträge dienen:

- 1) Welche Theorien liegen der Notwendigkeit von Kohärenz in der Außenpolitik zugrunde?
- 2) Wie kohärent ist das Außenhandeln der Europäischen Union? Ist die Europäische Union bei der Anwendung ihrer unterschiedlichen außenpolitischen Instrumente weniger kohärent als andere internationale Akteure?
- 3) Warum, und in welchem Ausmaß, sollte die Europäische Union kohärent handeln?
- 4) Impliziert der Begriff der Kohärenz, dass sich die Europäische Union normgeleitet in den internationalen Beziehungen verhalten müsste?
- 5) Erhöht die Kohärenz die Effektivität der EU Außenpolitik? An welchen Beispielen lassen sich die Auswirkungen kohärentes/inkohärentes Handelns gegenüber Drittakteuren beobachten?

**Notes for authors:**

Articles can be submitted in English or German and should be preceded by a short abstract (ca. 250 words). Please send your submissions by 1. November 2007 in Word format to the following address: [editors@hamburg-review.com](mailto:editors@hamburg-review.com). Papers will be subject to an anonymous review process. Authors will be notified about acceptance by January 2008. The special issue will appear in spring 2008.

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Alister Miskimmon, *Germany and the Common Foreign and Security Policy of the European Union: Between Europeanisation and National Adaptation* (Palgrave, 2007).

Nathalie Tocci, *The EU and Conflict Resolution: Promoting Peace in the Backyard* (Routledge, 2007).