

## Note from the Editor

Karen E. Smith, London School of Economics, Editor

This issue of *CFSP Forum* contains two articles relating to the recently agreed Lisbon (or Reform) Treaty, one on discussions at a recent workshop on parliamentary control of European security policy, and one on the EU's relationship with the UN.

Richard Whitman kicks off with an analysis of the significance of the Lisbon Treaty reforms regarding foreign, security and defence policy. Cornelius Adebahr then takes a closer look at one of the initiatives included in the treaty, the European External Action Service. Guri Rosén reports on the research presented at a workshop on parliamentary control of security policy. Finally, Robert Kissack discusses a radical approach to pursuing UN reform.

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## Foreign, Security and Defence Policy and the Lisbon Treaty: Significant or Cosmetic Reforms?

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The Lisbon Treaty was signed in Lisbon on 13 December 2007, and includes a set of revisions to the Common Foreign and Security Policy and the European Security and Defence Policy. The changes are outlined and assessed below.

### From Constitutional Treaty to Lisbon Treaty

The EU Heads of State and Government reached agreement on the Lisbon Treaty, the successor text to the Constitutional Treaty, in Lisbon on 19 October 2007. The text is based heavily upon the text of the Constitutional Treaty; however, a key difference is that the Lisbon Treaty will not replace the existing founding treaties and the Treaty on European Union. Rather, the Lisbon Treaty is a set of amendments to the *Treaty establishing the European Communities* (to be renamed the *Treaty on the Functioning of the European Union - TFEU*) and the *Treaty on European Union* (TEU). The latter is heavily amended by the Lisbon Treaty, with 25 of the 62 amendments to the TEU pertaining to the CFSP and ESDP provisions of the existing treaty. The overwhelming majority of the changes that were previously proposed in the Constitutional Treaty for the CFSP/ESDP have been retained in the Lisbon Treaty.

## **Amendments to the Treaty on European Union**

The changes to the CFSP/ESDP provisions of the TEU can be broken down into two main types: those that amend the CFSP/ESDP within the structure of the EU's policy universe, and those that have consequences for the decision-making and implementation of the CFSP/ESDP. Each of these sets of changes will be examined in turn.

### ***Remodelling the wider foreign policy***

A key change to the existing arrangements of the CFSP/ESDP within the EU's panoply of foreign policy is the 'rebranding' of all aspects of the EU's foreign policy and external relations under the new heading of 'External Action'. This has implications for decision-making explored below. In terms of the treaties, the changes are that the old Title V of the TEU is replaced by two new chapters. The first of these chapters includes:

- 'General Provisions on the Union's External Action' (and contains two new articles 10a and 10b that draw some wording from the old TEU article 11), an entirely new set of principles and general objectives for the wider external action area and understood as covering the CFSP/ESDP;
- a new part V of the TFEU entitled 'External Action by the Union', which draws together the Common Commercial Policy, cooperation with third countries and humanitarian aid, restrictive measures, international agreements, relations with international organisations and third countries, and Union delegations and the solidarity clause;
- and 'external aspects of its other policy areas'.

The second new chapter contains the 'specific provisions on the common foreign and security policy'. The new CFSP chapter runs from articles 10c-31 (as opposed to 11-28 for the existing TEU). The CFSP chapter is divided into two sections: 'Common Provisions' and 'Provisions on the Common Security and Defence Policy'. The consequence of this division (and the moving and re-ordering of treaty articles) is that the ESDP/CSDP provisions, which are greatly expanded, are now separated out more than was the case previously. And the provisions dealing with expenditure matters are moved into the first chapter of the treaty. Those dealing with enhanced cooperation are also removed (and now covered by a new Article 10 for the TEU that

covers enhanced cooperation across all the Union's policy areas). Provisions covering agreements with third parties and international organisations are also greatly streamlined (Article 22).

### ***External action provisions impacting on the CFSP/ESDP***

It should also be noted that a number of other changes introduced have implications for foreign policy but are not contained within the CFSP/ESDP sections of the Lisbon Treaty. These include the granting of legal personality to the EU (article 32 of the revised TEU) and the creation of the position of President of the European Council. The latter only appears once in the CFSP chapter under article 13: 'If international developments so require, the President of the European Council shall convene an extraordinary meeting of the European Council in order to define the strategic lines of the Union's policy in the face of such developments.' Article 9b(6) of the revised TEU that provides for the creation of the President of the European Council states that

The President of the European Council shall, at his or her level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy.

The degree of working harmony (or prejudice) established in the relationship between the first incumbent President and the High Representative remains to be seen. Much may depend on the personality of the two post-holders and the European Council President has the much less clearly defined job description in the revised TEU.

### ***Changes to decision-making***

The second set of changes to the TEU by the Lisbon Treaty are those amendments that have consequences for the decision-making and implementation of the CFSP/ESDP.

#### *Remaining distinctive*

Although there are changes to arrangements for the decision-making and implementation of the CFSP/ESDP the underlying principle of a distinctive decision-making regime for the policy area is retained. The CFSP/ESDP remains a distinctive 'pillar' in that the roles of the Commission, European Court of Justice and

European Parliament are very heavily circumscribed (and explicitly indicated in a revised Article 11 and in a new Article 240a of TFEU explicitly spelling out that the ECJ has no jurisdiction over the CFSP provisions). Most of the existing references to the Commission are removed (e.g. existing Article 14) and Commission initiatives on CFSP matters are to be directed through the High Representative (Article 16). The European Parliament is also enjoined to increase its annual debate on the CFSP to twice per annum and to expand this debate to encompass the ESDP (Article 21).

#### *Seeking a common approach*

There is, however, a substantively new article (revised Article 16 now renumbered Article 17a) making it incumbent on member states to seek a 'common approach' on matters of foreign and security policy and to be pursued by member states through their diplomatic representation in third countries and in international organisations. It also places greater obligations on member states to ensure that any policies that may be pursued and 'affect the Union's interests' require consultation either in the European Council or Council and member states are required to show mutual solidarity. Whether this Article is a 'paper tiger' provision remains to be seen but there is no provision for formal sanctions on a member state that does not comply. Member states that are members of the UN Security Council are also tasked with using the High Representative to represent collective policy in the UNSC where the Union has defined a position (Article 19).

#### *Limited revisions to decision making procedures*

Unanimity remains the norm in decision-making except where otherwise explicitly provided for (in article 17.2) and there is the addition of one new area in which member states may take decisions by a qualified majority. This is for where the Council is adopting a decision defining a Union action or position, on the basis of a proposal 'which the High Representative of the Union for Foreign Affairs and Security Policy has presented following a specific request to him or her from the European Council, made on its own initiative or that of the High Representative'. The provision that previously allowed for majority voting in the implementation of Common Strategies is retained in a revised form (to cover the replacement arrangement noted above) and by still permitting implementation of actions or provisions by voting. There is also now a provision allowing the European Council to adopt (unanimously) a decision allowing for the extension of areas

covered by majority voting.

Constructive abstention is retained in Article 17 but with the change that the existing blocking minority of one third of member states now also needs to comprise at least one third of the Union's population. The 'emergency brake' is also retained for member states opposed to the move to take a decision on the basis of a majority vote. The High Representative is to seek a solution for the state(s) concerned before the issue is referred to the European Council.

The existing institutional hierarchy of the CFSP is retained with the European Council (unanimously) setting broad objectives. The change to the implementation is that the High Representative is now given a much more prominent role. Common Strategies (which, in recent years, have become a redundant device) have been removed from the treaty. The European Council does, however, still retain the role to take formal 'decisions' to 'identify the strategic interests and objectives of the Union' (Article 10b and Article 13). Joint Actions and Common Positions are reworked within the treaty, with the reference now to adopt 'decisions' taken to facilitate 'actions' to be undertaken and 'positions' to be held by the EU and its member states (Articles 12, 14, 15).

#### *High Representative*

The most significant set of changes to decision-making concern the revamped role of the High Representative. The 'new' *High Representative of the Union for Foreign Affairs and Security Policy* has already attracted attention as the post-holder will also simultaneously 'double-hat' as a Vice-President of the Commission (Article 9e). The High Representative will be a personification, and the animus, of the new gathering together of all aspects of External Action, formally responsible for its consistency across the treaties and institutions (Article 9e(4)) and clearly key to achieving the ambition of greater synergy across all aspects of external action. The High Representative is appointed by the European Council (under majority voting provisions) for the same five-year term as the Commission and subject to a European Parliament vote of consent on the incoming college of Commissioners. He (or she) will replace the Presidency as the key animating force of the CFSP (Article 16). Consequently a number of changes to the TEU concern the powers and responsibilities of the High Representative and place the post holder at the centre of coordinating (including within international organisations and conferences under Article 19), directing and implementing the CFSP.

A new article (13b) sets out the strengthened responsibilities and powers for the High Representative, which include the chairing of the (new) Foreign Affairs Council (and nominating the chair of the PSC under Declaration 3 of the Lisbon Treaty), representing the Union with third parties and within international organisations and conferences, and providing for support through the new European External Action Service (EEAS). The High Representative also takes on the responsibility (previously exercised by the Council) for proposing and managing Special Representatives (Article 18), the facility to task the Political and Security Committee with work (Article 23) and replacing the Presidency in representing the CFSP to the European Parliament (Article 21).

#### *External Action Service and Union delegations*

One of the more eye-catching innovations of the Lisbon Treaty is the introduction of the European External Action Service (EEAS) tasked with assisting the High Representative (Article 13(3)). The EEAS is intended as the '28<sup>th</sup>' diplomatic service of the EU and to comprise officials from the Council's General Secretariat, the Commission and staff seconded from the diplomatic services of the member states. The exact organisation and modus operandi of EEAS is to be determined by the Council acting on the basis of a proposal from the High Representative and after there has been consultation of the European Parliament and 'the consent' of the Commission. Under Declaration 22 of the Lisbon Treaty preparatory work on the EEAS is to commence after the treaty is signed (and so before ratification has been concluded). The current European Commission delegations in third countries and international organisations are to be re-titled Union delegations and placed under the High Representative's authority (TFEU article 188q) but explicit provision is not made for them to become a part of the EEAS.

#### *New provisions on financing*

There is an important change to the arrangements for funding expenditure for the CFSP. In addition to the existing provisions for charging administrative and operating expenditure to the Union budget there are new provisions covering circumstances in which the EU may wish to have rapid access to the Union budget, in particular for matters covered by ESDP articles 27(1) and 28, and if not charged to the Union budget then chargeable to a start-up fund to be financed by the member states. The arrangements to govern both of these

circumstances are to be determined by the Council in due course (Article 26(3)) and on the basis of a proposal from the High Representative.

#### **Changes to the ESDP**

The treaty changes to the TEU provision dealing with the common defence policy represent a significant proportion of the new articles introduced. Article 17 of the TEU that governed the ESDP has been expanded to create a new section of the TEU and contained within the new articles 27-31. These make five main changes to the ESDP: to expand the aims and ambitions of the ESDP; to expand the range of Petersberg tasks; to provide for the creation of the European Defence Agency; to introduce permanent structured cooperation; and to introduce sub-contracting to 'coalitions of the able and willing' member states.

The aims and ambitions of the ESDP are much more expansively outlined in a greatly expanded Article 17(1) and contained in a new Article 27(1)-(7). Notably there is considerable attention given to the member states committing to progressively enhance their military capabilities. Commitments to the Atlantic Alliance remain in the Treaty – and with a stronger reference to NATO as the 'foundation for collective defence'. The remaining reference to the WEU is removed and there is the introduction of a very soft WEU article V-type guarantee and which reads, 'If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter'.

The Petersberg tasks are greatly expanded, from what was formerly contained in 17(2), in a new article (28) to read as follows: 'joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories.'

The European Defence Agency is formally introduced in the treaty, under Article 27(3), with Article 30 detailing the aims and ambitions for the Agency. The provisions also make clear that membership of the Agency is on an 'opt-in' basis and that sub-groupings of member states are envisioned for joint projects.

Articles 27(6) and 30 provide for permanent structured cooperation among member states (and also with arrangements for its functioning specified in an additional treaty protocol, no. 4). The decision for the establishment of permanent structured cooperation is taken by the Council under a qualified majority. There are also provisions for the expansion of such a group (on the basis of a qualified majority of those already engaged in structured cooperation) and provisions for suspending a member for failing to fulfill obligations on the same decision-making basis. The governing arrangements for permanent structured cooperation do not convey the impression of streamlined decision-making and there may be a repeat of the experience of enhanced cooperation with the CFSP which has been a device of insignificance.

The provisions facilitating 'coalitions of the able and willing' member states under articles 27(5) and 29 are a potentially more interesting innovation especially (and in contrast to those on permanent structured cooperation) because they are much more light-touch. It is a decision of the Council to authorise such a grouping and for the group to liaise with the High Representative on management arrangements for the task in-hand.

### Concluding comments

The Lisbon Treaty revamps, rather than revolutionises, the existing arrangements for the CFSP/ESDP. A key determinant of the effect of the changes introduced will be whether the future occupants of the position of High Representative are able to utilise fully the additional powers that now accrue to the position.

Ratification of the Lisbon Treaty is supposed to be completed in time for entry into force of the revised TEU and TFEU treaties on 1 January 2009. The member states have negotiated the new treaty with the express intention of overcoming the ratification problems associated with the Constitutional Treaty (as illustrated by changing the original name of the High Representative away from the 'Union Minister for Foreign Affairs'). And with an eye to potential ratification difficulties, two new declarations (nos. 30 and 31) are attached to the treaty and provide political cover for governments that wish to convey the impression that nothing in the treaty hinders their existing ability to define or implement national foreign policy. Whether the Lisbon Treaty will enhance the CFSP/ESDP remains to be seen.◇

## The First will be the Last: Why the EU Foreign Service will Remain Embryonic for Some Time

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Europhiles like to counter criticism of the EU adapting not fast enough to global developments by pointing to the speed ('of light') with which institutions as well as operations of the Union's foreign policy have evolved. Sometimes, however, time does indeed seem to stand still, most notably so with regard to the foreign policy innovations that the Lisbon Treaty will bring. Three and a half years ago in *CFSP Forum*, Giovanni Grevi, Daniela Manca, and Gerrard Quille analysed the proposed 'Union minister for foreign affairs'.<sup>1</sup> Much of what Grevi et al. said at the time remains broadly valid today – not least because, luckily one might say, the thrust of the provisions made by the ill-fated 'Constitution' of 2004 were preserved by the new Reform Treaty.

While some things remain the same intentionally, others simply may not change despite good intentions. If in the past the *troika* symbolised the EU's inability to speak with one voice, to be overcome with the new CFSP treaty provisions, a new troika was nonetheless born. The new President of the European Council, together with the President of the Commission and the new 'High Representative of the Union for Foreign Affairs and Security Policy' (a workable acronym will have to be found for that post, though HR/VP may help for the interim signalling his two hats of High Representative and Vice-President of the Commission) will constitute an informal, *de facto* triumvirate in matters of foreign policy. Much of how the EU will present itself in international affairs in the future will depend on the practical delineation of competencies – on which the treaty is conspicuously silent – among these top three and, not least, on the personal relationship that will develop between the individuals.

Below this top level of EU representatives, a new working level will be created, which, nonetheless, will be a far cry away from an apolitical civil service – at least in the beginning, that is, until the European External Action Service (EEAS), as the 'foreign service' of the (beware!) EU foreign minister is called, is up and running. Despite the fact that a reference from the treaty protocols envisages preparatory work for this service to start immediately after the

signing of the treaty (i.e. in December 2007), it may well take half a decade from now until the service is in full operation.

There are political as well as legal and institutional reasons for this delay, which will be explained in the following. First, I will give an overview of the state of play: a brief reference to earlier preparatory work and the actual treaty provisions is followed by an analysis of the different positions of the existing institutions on the EEAS. Second come the thorny issues that surround the new service, from its location and setup in Brussels to its tasks in the field. Finally, I will conclude with some inferences for future research in this – literally – evolving field of EU foreign policy.

### Preparations under way for the EEAS

In fact, this is the second time that preparations have been under way for an EU external action service. The first time, back in 2004 and 2005, institutions had started their work, based on the very same treaty provision plus protocol reference.<sup>2</sup> Deliberations ended in a joint progress report delivered in May 2005. However, not only did this report quickly fall victim to the ‘period of reflection’ called for after the referenda in France and the Netherlands, but what is more, it also did not elaborate on the institutional setup and size of the new body. In a way, thus, preparations now have to start from scratch again – which is not to say that, internally, the institutions have not prepared themselves for the turf battles ahead.

So, what does the treaty say about the EEAS and where do the various Brussels institutions stand? Basically, article 13a stipulates only two things: that the service should be made up of officials from the Council Secretariat, the Commission, and from member states’ diplomatic services; and that its task is to assist the High Representative, doing so in cooperation with national foreign services.<sup>3</sup> This is fairly meagre for what is to become the Union’s new foreign policy machinery. The only other thing that the treaty provides for is the mechanism of how the decision to set up the service should come about: by a Council decision that has the consent of the Commission, and with prior consultation of the European Parliament.<sup>4</sup>

The fact that the Commission is asked for approval while the Parliament is merely consulted owes not only to the double-hat of the HR/VP but also to the 15 years that the Commission has now been ‘fully associated’ with CFSP. Over time, the Commission learned that, in order to be relevant for decision-making in the respective CFSP bodies, it had to ‘politicise’ itself. Its most recent attempt was the ‘Europe in the World’, or *Cutileiro* Report

from June 2006, where it outlined forms of cooperation between the first and second pillars that do not need a treaty change. Moreover, strategic planning within the Commission, in particular by enlarging the Relex group of Commissioners, was increased, as were political reporting and analysis from the EC delegations.

The Council, in contrast, the superior institution in the field of EU foreign policy, does not even have any external representation beyond its New York and Geneva offices at the United Nations and the World Trade Organisation, respectively. This limitation notwithstanding, it has extended its reach by deploying EU Special Representatives (EUSR) to about every crisis region the EU is involved in.<sup>5</sup> Interestingly, between the beginning of the treaty-drafting Convention in 2002 and the decisive referenda in 2005, five new EUSRs were dispatched, thus more than doubling their number from previously only four. This way ‘Solana’s deputies’, as they are sometimes called, have achieved an unprecedented level of EU (as opposed to EC) representation from the Great Lakes in Africa to the Middle East and from the Balkans to the Caucasus and Central Asia.

One particularity of the EU Special Representatives is that they have already tried and tested the famous double-hatting that is to bring the strived-for coherence to the Union’s external action. Since 2005 in Macedonia, and since the end of last year at the African Union in Addis Ababa, the EUSR is simultaneously also the head of the Commission delegation, thus turning himself from an original trouble-shooter into a real Union representative. This arrangement brings the two pillars closer together on the ground, both upstream (in terms of policy analysis and proposals) and downstream (regarding the execution and representation of policies).<sup>6</sup> Given the weight of the enlargement process for Macedonia, and of the overall EU-Africa relations for the AU, no process of ‘de-communitarisation’, of a feared ‘contamination’ of Community policies by pillar two practices is in sight. So far, at least, it is fair to say that the Commission’s ‘hat’ has proven big enough to weather any intergovernmental storm.

Finally, also member states individually and the European Parliament have engaged in their own preparations for the upcoming EU foreign service. Some member states have started EEAS training for their national diplomats, although – given the lack of clarity about the services structure and precise task – this amounts to not much more than an intensive EU induction course. Moreover, more senior people in the national services have started eyeing jobs that might be created in

Brussels, with member states lobbying on their behalf. Last but not least, the EP has issued a demand for more consideration of its role even in foreign policy, by reducing the CFSP budget proposal for 2008 by 40 million EUR not because it was of the opinion that this money was not needed but rather as a negotiating chip with the Council to gain more say. This manoeuvre can also be interpreted as a way of bringing Parliament into an advantageous position for the expected institutional wrangle over the establishment of the EEAS.

### Issues raised by the new foreign service

Why, one might wonder, has the EEAS become such a hot potato if, after all, its creation – along with the double-hatting of the HR/VP – was one of the few uncontroversial topics in the whole constitutional debate? Because while all Brussels institutions thought it vital to have such a service, each had a different design of it in mind. Whoever could make it 'their service' would win the bulk of competence in the field of foreign policy. The Policy Unit of Javier Solana serves as an example of how a thinly conceptualised institution with an originally quite unsexy name can become an engine of policy development.

Therefore, already the institutional setup of the service is highly contested. And if the main two institutions, the Council and the Commission, cannot agree on where the service should be located, they can at least concur that it should be *sui generis*. 'Equidistance', or better 'equiproximity'<sup>7</sup> to the first two pillars is hailed as the recipe for success, even though a lot of legal issues (like the personnel statute, career paths, salaries and the like) remain unresolved. In the end, the service may be set up at small scale and on a preliminary basis, borrowing some features from an EU agency like the European Defence Agency and developing over time into a 'common service' available to all institutions, not unlike the EU interpretation service.

In addition to the EEAS's (institutional and physical) location, personnel is another thorny issue. This refers not only to the (admittedly somewhat institutional) question of which existing directorates of both the Council Secretariat and the Commission will move into the new service where, consequently – given mere size – a relative predominance of DG Relex is to be expected. It also relates to national foreign services and their contribution to the EEAS. On the one hand, power calculations should lead member states to bring in their weight also in personnel terms; on the other, this would put additional strains on the human

resources of overburdened diplomatic services.

Lastly, is the EEAS the spectre of the end of national foreign services? If one looks at integration history, the answer is clearly no, although the service might contribute to a further Europeanisation of national foreign ministries. On the individual level, the EEAS will change the career paths of diplomats by providing completely new working environments with staff from the Commission, the Secretariat, and member states. To prepare them for such a post, the European Convention had proposed to establish joint training at an EU Diplomatic Academy (to be established) to help form an *esprit de corps*. The latter already exists in probably all national services, thus raising the question of inclusive (or multi-layered) rather than exclusive allegiances – something that has already been explored in other EU contexts.<sup>8</sup>

In addition to these tricky political questions, there remains the quite practical question of what the EEAS should do in the world. While this is fairly clear for the Brussels headquarters (assist the High Representative in policy development and implementation), it is not equally apparent for the 'EU delegations' all over the globe. First of all, the good news is that these delegations will serve only one master, the new double-hatted HR/VP. However, the economic-developmental and politico-diplomatic policies will have to be executed under different hats. The EEAS formally should only engage in the latter type of policy, thus would play a less prominent role in countries where Community instruments are prevalent. But even there, a delegation would have a small political component. Beyond the treaty provisions, it appears, there is no model to draw on when rolling out the EEAS.

Some cornerstones of a job description are nonetheless obvious. *Representation* is one, as the service would populate the 125 or so existing EC delegations in order to present, explain, and implement EU foreign policies. The EU would thus sport the sixth largest network of European diplomatic representations, after Germany, the United Kingdom, France, Italy, and Spain. Secondly, there is *reporting and analysis*. The EEAS should provide EU-made information from around the globe to the EU-27. This will prove particularly valuable for the majority of member states that lack embassies in quite a number of third countries.<sup>9</sup> *Cooperation* is an obvious third, where demarches and negotiations with third countries can now be led from under one roof. This should provide the longed-for coherence in EU policies.

A potential fourth field of activity is, again, a rather complicated issue: *consular affairs*. The idea of adding these to the EU delegations' portfolio builds on the existing consular protection that member states accord to nationals of another member state that is not represented in a third country (Art. 20 of the current EC treaty). It has received a practical boost following consular cooperation among member states in the wake of the Southeast Asian tsunami at the end of 2005. While the Commission seems intent to take on such tasks – arguing that this would also reduce the workload at national embassies – member states are hesitant to grant the Commission such competence. Furthermore, the Commission – which wants itself to be closer to the citizens ever since the invention of Plan D – may be surprised how very engaging it may be to take care of citizens in distress in a foreign country. Not to forget that the legal powers that usually come with consular affairs (pretty much everything from issuing birth certificates to inheritance records) are different for every member state – and certainly out of bounds for the EEAS.

### Conclusions, including for research

For all these imponderabilities, one should not expect the EEAS to be up and running at the beginning of next year when, all going well, the new treaty will enter into force. While preparatory work may begin in earnest once ratification is over in certain EU-foreign-policy-wary member states, it takes a proposal from the new HR/VP to actually establish the service. This, it is generally thought, should be the 'real' High Representative who is also the Vice-President of the new 2009-14 Commission (and part of a broader political deal including the nomination of the Presidents of the European Council and Commission), not the caretaker holding office until autumn 2009. Again, given the delicate decisions to be made about institutional location as well as personnel regulations, the EEAS may start on a small scale with secondments from institutions and member states, before actually turning into a full-scale service only with the new financial perspective after 2013 and the next Commission, which is to be the first college with fewer Commissioners than member states.

Where does all this leave the research community? Well, one or the other researchers might be tempted to get their hands 'dirty' and work in the EEAS after all (even though chances for outsiders to enter the machinery are slim given the amount of wrangling to be expected

between the existing institutions alone). Nonetheless, it may be the only way of getting to know your research subject thoroughly, as participant observation is understandably difficult in this metier.

Again, there is good news: the EU continues to spawn research subjects. Where, one could ask, would we all be without such interesting things to study as the rise in ESDP operations, a new neighbourhood policy, or the blurring of institutional boundaries produced by double-hatting or overlaps between the second and third pillar? The new service might therefore inspire those who, as was mentioned before, follow the path of Europeanisation or socialisation, looking at how identities and institutions adapt over time to a new European reality. It may also give a boost to institutional theories and bureaucratic politics: after all, in line with Max Weber's definition of bureaucracy as 'that which comes after charisma', the processes behind the often not so charismatic foreign policy deserve academic scrutiny too. Finally, even intergovernmentalists – who have been somewhat in the defensive of late – may gain new ground depending on the shake-up of the service and whether or not member states decide to make it their own rather than try to keep it down. ♦

<sup>1</sup> Giovanni Grevi, Daniela Manca and Gerrard Quille, 'Putting the EU Foreign Minister "In Context"', *CFSP Forum*, vol. 2, no. 6, November 2004.

<sup>2</sup> Indeed, the new treaty text differs only in a semantic change of the title of the double-hatted High Representative. Moreover, two declarations have been attached to the treaty (one more than before), which, in essence, only reiterate the existing intergovernmental character of CFSP.

<sup>3</sup> 'In fulfilling his mandate, the High Representative shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States' (Article 13a).

<sup>4</sup> 'The organisation and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission' (Article 13a).

<sup>5</sup> For more information on the EUSRs, see Giovanni Grevi, 'Pioneering Foreign Policy: The EU Special Representatives', Chaillot Paper no. 106 (Paris: EU Institute for Security Studies, 2007)– or his contribution to *CFSP Forum* vol. 5, no. 5 of September 2007.

<sup>6</sup> For an analysis of other useful lessons from ten years of EUSRs, see Cornelius Adebahr and Giovanni Grevi, 'The EU Special Representatives: What Lessons for the EEAS?', in Graham Avery and Antonio Missiroli, eds, *The EU Foreign Service: How To Build a More Effective Common Policy*, EPC Working Paper no. 28 (Brussels, November 2007). Interestingly, also the EUSRs developed from, first, a very implicit (Maastricht) and, later, quite indeterminate (Amsterdam) Treaty reference into the broad instrument with around 100 staff they are today.

<sup>7</sup> I owe these expressions to Graham Avery.

<sup>8</sup> See Jan Beyers, 'Multiple Embeddedness and Socialization in Europe: The Case of Council Officials', *International Organization*, vol. 59, no. 4, 2005, for how Council officials work; Jeffrey Lewis, 'The Janus Face of Brussels: Socialization and Everyday Decision-Making in the European Union', *International Organization*, vol. 59, no. 4, 2005, for allegiances in the Coreper; Ana E. Juncos and Christopher Reynolds, 'The Political and Security Committee: Governing in the Shadow', *European Foreign Affairs Review*, vol. 12, no. 2, 2007, for an analysis of the PSC; and, generally, Michael Zürn and Jeffrey T. Checkel, 'Getting Socialized to Build Bridges: Constructivism and Rationalism, Europe and the Nation-State', *International Organization*, vol. 59, no. 4, 2005, for the coexistence of national and European identities.

<sup>9</sup> For the development of member state representation in third countries, and the difficulties of collocation, see David Rijks and Richard Whitman, 'European Diplomatic Representation in Third Countries: Trends and Options', in Graham Avery and Antonio Missiroli, eds, *The EU Foreign Service: How To Build a More Effective Common Policy*, EPC Working Paper no. 28 (Brussels, November 2007).

## Parliamentary Control of European Security Policy: Why, Who and How?

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As a consequence of the European Union's increased attention to external issues in general and the development of the European Defence and Security Policy (ESDP) in particular, a debate has also risen about parliamentary control over security policy. In early December 2007, the RECON project organised a workshop to take stock of the current status of parliamentary control.<sup>1</sup> The major issues under consideration were the following: To what extent is European security policy currently subjected to parliamentary control? Which parliamentary actors exercise control over European security policy, and how is the control process carried out?

First, however, it is necessary to ask why the debate about parliamentary control has emerged. In other words, what is it that makes parliamentary control over security policy a crucial issue? After all, conducting foreign and security policy has traditionally been regarded as an executive prerogative, which automatically excludes parliamentary involvement. The customary claim is that these policy fields have a distinct character that requires a greater leverage on the part of the executive, allowing for efficient, flexible, and – needless to say – secret decision-making. Furthermore, at the EU level, it is argued that the ESDP follows intergovernmental principles, hence parliamentary control is assumed to take place at the national level. Some analysts maintain that this should provide a sufficient democratic safeguard. The validity of these assertions can, however, be called into question, and indeed was during the workshop. The integration of forces, role specialisation, and coordination of arms procurement at the European level has created new challenges for parliamentary control of security policy.

### Why raise the issue of parliamentary control?

In answering that question, Christopher Lord suggested five reasons. First of all, security policy entails legal obligations that have direct effects on people's lives. As tax payers they contribute to the defence budget and in addition they provide the troops. Secondly, the effects are not only material. In choosing to pursue a certain policy, governments also choose to defend certain values. If one accepts that such profound value choices should not be settled behind closed doors, then security policies require at least some form of democratic

endorsement. Thirdly, security policies also entail decisions on what should be regarded as an acceptable risk. This not only implies direct engagement in warfare, but also the risk of retaliation. Fourthly, Lord argued that promoting democratic peace externally requires an adherence to democratic standards internally as well. For the European Union, this factor is particularly relevant since political conditionality has become a defining feature of most of its external activity. Finally, coordinating security policy at the European level necessarily entails a range of path-dependencies that restrict available exit options.

Against this backdrop, Lord argued that exerting democratic control has to be a task for parliaments because parliaments offer a procedure for ensuring political equality through the one representative – one vote formula. Moreover, parliamentary bodies allow issues to be assessed in context, resulting in a more holistic approach both with regard to value choices and functional problems. In sum, Lord put forward two sets of reasons for why it is important to study parliamentary control of security policy. At the same time, he also demonstrated how the development of an EU security policy adds a new level to the problem of parliamentary control. But what do we know about parliamentary control of European security policy? How successful is it? And at what parliamentary level is, and should, control take place?

### **Parliamentary control at the national level**

Several of the contributions to the workshop demonstrated that there are many different controlling practices taking place in the EU's national parliaments. Some parliaments are closely involved in the decision-making process while others are hardly informed about their governments' activities at the European level, much less have a say on them. Hartwig Hummel showed that the range and type of resources available to national parliaments, stretching from legislative and budgetary powers to powers of dismissal, are correlated with the type of policy pursued by governments. In Finland, the parliament has comprehensive powers: for example, the government needs parliament's approval before agreeing to an EU Joint Action. At the other end of the spectrum, the French and British parliaments are only consulted on security policy, and in Greece, the parliament is not involved at all in security policy decision-making. The bottom line is that the range of different practices does not represent a consistent approach to the challenges of public control posed

by the development of European security policy. Herein lies a democratic challenge.

Furthermore, a cross-country study presented by Teodora Fuior revealed that national parliamentary committees responsible for foreign and security matters have little knowledge about ESDP operations and display a lack of interest in them. This is an interesting finding when one considers the claim that the intergovernmental nature of the ESDP subjects it to national parliamentary control, and that this relieves the democratic deficit. These findings instead point towards a general lack of awareness as the biggest barrier to national parliamentary control of ESDP operations. This lack of awareness is accompanied by the fact that access to information is a general problem for national parliaments. As a consequence, keeping track of what a particular government says or does becomes problematic and makes it hard to hold them effectively accountable. What is more, some governments have been known to seek actively to cut themselves off from parliamentary and public scrutiny. Thus, the problem is one of both will and ability.

Wolfgang Wagner, Nicole Deitelhoff and Dirk Peters claimed that it can be costly for national parliaments to restrict the executives' activities at the international level, especially within the security area. The reason, as already outlined above, is the degree of integration and role specialisation in the European defence cooperation. If a parliament forces its government to withdraw troops from a particular military operation it may also be responsible for aborting the entire EU mission. In sum, even if the ESDP does not imply delegation or reduced decision-making power on the part of the member states, the Europeanisation of foreign and security policies still implies a displacement of the decision-making locus. But without a similar change in focus of parliamentary awareness or a strengthening of the ability to control Europeanised processes, additional mechanisms of parliamentary control may be needed. To what extent has the European Parliament been able to compensate for these deficiencies of parliamentary control?

### **The supranational level**

The European Parliament has the right to be consulted and informed on foreign and security policy, and it can use its budgetary powers to influence outcomes. It also has the advantage of being close to the decision-making arena, and having more specialised knowledge about the

processes and the institutional structure of the ESDP. As a consequence, its access to information could present less of a problem. At the workshop, Esther Barbé and Anna Herranz Surrallés showed how, in the case of ESDP operations, the EP has managed to increase the flow of information by participating in *in camera* meetings and by sending ad hoc delegations to accompany EU missions. But despite a certain amount of success, gaining access to information has proven to be a constant struggle. Moreover, even though the EP has the right to be consulted, this amounts to a lot less than the consultation procedure under the first pillar. MEPs have been arguing for many years that the Council should enter into a more serious dialogue with the European Parliament.

With regard to budgetary powers, whenever operations are funded out of the Community budget, the EP has the opportunity to influence the amount spent on the CFSP (although it has no opportunity to influence individual common actions). This arrangement is the result of years of hard negotiation and is instituted in a series of Inter-institutional Agreements. However, in the case of ESDP and military operations, the EP has been less successful in extending its powers, mainly because military operations are funded directly by the member states. Barbé and Herranz conclude that the EP's influence in the area of security policy is more a result of its attitude and ability to exploit informal channels of influence, than of its formal authority. The EP's strategy has been proactive, and this has been helped by the lack of rigid separation between activities within the different pillars. For instance, in every operation there are civilian components that are financed out of the Community budget, and hence subject to EP control. Nevertheless, it is clear that the European Parliament also faces great challenges in controlling the European security policy. Thus, the final parliamentary level that was considered at the workshop was the transnational one.

### **The transnational level**

Wagner, Deitelhoff and Peters pointed out that the main advantage of transnational assemblies is that they link the international and national levels of parliamentary control. For instance, in an organisation such as the Western European Union (WEU), the government-constituted Council is subject to scrutiny by the transnational assembly. At the same time, national parliamentarians acquire new resources to control their governments at the national level. Stephan Marschall also argued that because of the geographical proximity between transnational

assemblies and the organisations to which they are affiliated, the assemblies can provide access to information not only to their members but also to the media and the national opposition. Adding to this, Michael Hilger, a representative from the WEU Assembly, underlined that the most important function of the WEU Assembly is to compel national governments to justify their opinions in responses to recommendations issued by the Assembly.

However, these points are also illustrative of the lack of power of the WEU Assembly, because although the Assembly is incorporated into the WEU's institutional structure, it has no power to veto the decisions of the Council. Moreover, in 2000 the WEU conferred most of its operational functions to the European Union. Therefore, Hilger was eager to emphasise the potential of the Assembly, and particularly its potential role in the ESDP. Hilger argued that the ESDP does not suffer from a democratic deficit so much as a democratic paradox: MEPs are informed but have no power to make decisions, while national parliamentarians can make decisions but are not informed. As a consequence, since the European Parliament so far has not found a way to include national parliaments in their procedures, the task of organising and inspiring interparliamentary organisation could be filled by the WEU Assembly, within the EU framework.

### **The way forward**

To sum up, there were three general concerns shared by all the contributions to the workshop. First, they all concluded that parliamentary control has suffered as a consequence of European cooperation on security policy. Secondly, there was a consensus that control of European security policy is flawed at all levels. Thus, the main inference was that control at only one level is not sufficient. Thirdly, all contributions repeated the message that the activity at different parliamentary levels has to be combined and coordinated to become more efficient. The question now is: what to do with this knowledge? One possible answer, and one that frequently came up during the workshop, was that there is a need to develop both explanatory models of how parliaments engage in security policy and the factors that shape their success, as well as normative thinking around what type of engagement is required and desired. Following this assumption, I conclude by proposing three areas for further research.

First of all, when studying parliamentary control it is important to take into account what type of

polity the EU is. This is important not only to explain why there is a democratic deficit, but also to address how this deficit can be filled. The nature of the European Union determines the standards against which one evaluates the democratic status. For instance, reading the treaties one would get the impression that the EU's foreign and security policy follows entirely intergovernmental principles. Accordingly, the national level is probably the most suitable level for exerting parliamentary control, and this would point to a strengthening of national parliamentary power. However, research has shown that the ESDP also has supranational features. As a consequence, since practical politics may at times depart from formal provisions, in order to determine the form parliamentary control should take, one also has to acquire a better understanding of the direction in which the EU in general, and the ESDP in particular, is developing.

Secondly, in order to make sense of Hilger's claim that the ESDP suffers from a democratic paradox, one also has to connect empirical research to democratic theory. On the one hand, this will ascertain whether he is right to argue that the actual problem consists of a democratic paradox rather than a deficit. On the other hand, it could provide an answer to whether his proposed remedy, a transnational assembly, is the right one. Regardless of the practical problems, the question remains as to what kind of powers should be conferred on such a parliamentary body. And who should be its members? In short, what can transnational assemblies contribute to the quest for democratic legitimacy?

Finally, it is important to provide a more detailed account of how parliaments at all levels seek to influence European security policy, the extent to which these efforts are successful, and the reasons for their success or failure. Knowing more about the concrete processes and not only the powers at parliaments' disposal could deepen the understanding about the special character of the making of foreign and security policy. This will not only give a better understanding of the status of parliamentary control, but could also feed back into the question of what kind of polity the European Union is. ♦

<sup>1</sup> The RECON (Reconstituting Democracy in Europe) is a research project that takes heed of the challenges to democracy in Europe, and seeks to clarify whether democracy is possible under conditions of pluralism, diversity and complexity. One of the subfields of the project is European Foreign and Security Policy. RECON is financed by the 6th Framework Programme of the European Commission and is coordinated by ARENA - Centre for European Studies, University of Oslo. It has 20 partners from across Europe. Information about RECON may be found at [www.reconproject.eu](http://www.reconproject.eu). All the papers from this workshop will be published in a RECON report.

## EU Strategies for UN Reform: 'Shoot the Puppy'?

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In a recent lecture entitled 'Exit and Voice in Multilateral Institutions' at the London School of Economics, Robert Keohane set out an argument for UN reform taking inspiration from Albert Hirschman's seminal text, *Exit, Voice and Loyalty*.<sup>1</sup> Borrowing two of the three concepts, Keohane made the argument that while voice is the preferred strategy for substantive reform of an international institution, the likelihood of such a strategy working in the UN has proved to be impossible over recent years. Keohane proposed considering the utility of 'exit', i.e. withdrawing from an international institution to gain concessions from other members towards accepting a preferred reform package. He cited four examples during the last 30 years in which the United States has successfully threatened or used exit as a means of forcing multilateral institutions to reform.<sup>2</sup>

However, Keohane pointed out that there are two types of criteria that must be met before the exit option can be contemplated, both normative and structural. And although in the past the US has met both conditions, and the structural criterion is still met (through its budgetary contributions), it is now unable to fulfil the normative criteria. America is bankrupt of global goodwill in the current political climate, and threatening exit would be regarded as further evidence of US unilateralism and cynicism towards the international community, thus rendering incredible the likelihood of a US return to the institution once reforms have taken place. Given this current stalemate, two questions spring to mind. Firstly, is Keohane's analysis correct? Should we consider exit as a credible strategy and overlook voice and loyalty so readily? Secondly, if exit is a viable policy option and the US is unable at the current time to use it, does responsibility fall to the EU to step up to the mantle and demand institutional reform?

In the limited space available, the article proceeds as follows. Firstly, a brief recap of Hirschman's original thesis and the role of loyalty, which Keohane described as 'perpetuating the status quo' and something he asserted that the EU member states to have been too willing to do in the past despite their laudable aspirations for making multilateralism

work. Does loyalty necessarily entail inaction, and is this a fair criticism of the previous EU position? We will then move on to consider the possibility of the cohesive, common position of the 27 EU member states threatening to exit the UN unless a serious reform effort is set in motion. The debate will centre on two key questions, namely whether such a position is possible within the CFSP, and whether such a position is compatible with the EU's foreign policy objectives and its international identity. However, before going any further, a short word of explanation about the title. To 'shoot the puppy' is not a reference to EU animal welfare directives; it is management consultancy jargon meaning the ability to think the unthinkable. Put another way, can the EU really contemplate using a threat of withdrawal from the UN to coerce the other 165 members into accepting a substantive reform programme?

Let us begin with a summary of 'Exit, Voice and Loyalty'. Hirschman starts from the observation that in microeconomics there is a unique mode of information transmission between actors that is completely impersonal; in fact communication takes place by *breaking* communication. Dissatisfied consumers of a product convey their unhappiness to the producer by buying a substitute product, and the fall in demand is transmitted back to the supplier as a drop in sales. Hirschman labels this action as 'exit', and contrasts the theory with observable reality where consumers are reluctant to 'exit' and instead choose to 'voice' complaints. 'Voice is just the opposite of exit. It is a far more "messy" concept because it can be graduated, all the way from a faint grumble to violent protest; it implies articulation of one's critical opinions rather than a private, "secret" vote in the anonymity of a supermarket'.<sup>3</sup> Hirschman maps these two patterns of behaviour from consumers of a product to members of an organisation, thus providing the analytical framework for considering the role of exit and voice in the UN. The puzzle is to explain why actors persist in using 'voice' when its likelihood of success is uncertain. The answer is 'loyalty', an emotional attachment to firms or organisations that cannot be quantified through a utility-maximising analysis, placing it squarely opposed to exit.

Is exit or voice the best strategy for states keen to promote UN reform? A root-and-branch reform including amendments to the UN Charter would require adoption by 'a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the

Members of the United Nations, including all the permanent members of the Security Council'.<sup>4</sup> Despite high expectations prior to the 60<sup>th</sup> session of the General Assembly in 2005, the creation of the Peacebuilding Commission and the reforms to the Human Rights Commission (now Human Rights Council) do not constitute the major revisions envisioned, such as reforming the UN Security Council (as proposed by the 2005 High-Level Panel on Threats, Challenges and Change), the General Assembly and the Economic and Social Council.<sup>5</sup> Can we infer from this that 'voice' has not worked, and should we overcome our reluctance (founded on loyalty) and re-appropriate the 'exit' option? In short, can the EU member states 'shoot the puppy'?

As outlined above, a successful exit strategy is predicated on a number of structural and normative criteria. The structural criterion is the easiest for the EU to meet thanks to the sizable collective contribution of its member states to the regular budget. In 2006 the EU-27 contributed 37.14%, compared to 19.46% by Japan and 22.00% by the US.<sup>6</sup> Thus in terms of leverage, an EU threat to either exit the UN or merely withhold regular budget payments would have a considerable effect on the organisation, far more than that of a unilateral action by either the US or Japan. The difficulties for the EU begin with the normative criteria.

Firstly, would the European public acquiesce to their governments using coercive means to drive a reform programme through the UN? In a 2003 Eurobarometer survey on attitudes towards globalisation, 37% of the sample thought that the EU had a suitable level of influence over globalisation; next came international institutions and national governments with 32%, with seven further options scoring less.<sup>7</sup> Thus it would seem that European citizens hold international institutions in high regard, and making it less likely that they would be willing to see their governments use coercion in the UN.<sup>8</sup>

Secondly, would the demands made by the EU for UN reform be realistic? On the one hand, as the collective demands of 27 democracies constituting 15% of UN membership, they would be more legitimate than the demands of a single member judged to be based on national interests. In this regard, the more legitimate the demands, the more realistic their chances of implementation. On the other hand, the EU has been frequently shown to be more preoccupied with reaching a common position than building a wider consensus beyond its membership. Would

EU demands be a blueprint for the 21<sup>st</sup> century UN or the product of a 27-way intergovernmental bargain?

Thirdly, in order for demands to be met, there must be a credible expectation that the exiting states will return once reform has taken place. With the EU this is undoubtedly high, given the declared objective of the EU to support the UN. For example, the European Commission has written that the 'European Union believes in seeking multilateral solutions to global problems. It therefore attaches great importance to effective multilateralism, with a strong United Nations at its heart.'<sup>9</sup> Similarly, the European Security Strategy agreed by the European Council in December 2003 states that 'strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, is a European priority'.<sup>10</sup> More concerning is the opposite problem, namely which states would lead the stampede back through the UN doors and could the EU remain outside long enough to be effective? Given that France, Germany, Italy and the UK contribute 25.70% to the UN regular budget, their participation would be essential; the solidarity of the other 23 EU member states (contributing 11.44%) is important in order to give exit legitimacy. Nevertheless, it is still highly questionable whether the EU would not simply be seen as arrogantly dictating to the international community. While the Union's extensive network of diplomatic relations with the wider world have been argued to point to a postmodern power,<sup>11</sup> there may be a credibility gap between the EU's own view of its benevolence and benign intentions, and critics who see heavy-handedness over the interests of smaller states.

A final point to consider is even if the EU were in a position to credibly use the threat of 'exit' from the UN system, would it be able to agree to it – is the puppy shootable? The answer is a resounding no for two reasons. Firstly, from an ideational perspective, it is not a foreign policy action that is compatible with the EU's identity built on a foundation of strong multilateralism (as evidenced above), and it would also be unacceptable to a number of the member states' own identities, most obviously Germany and the centrality of multilateral institutions in its foreign policy. The second, and more important reason is that the 27 member states would find it almost impossible to *collectively* pull the trigger. It would be the most ambitious common foreign policy action taken to date, in an area where national positions are divergent. *Inter alia* these include Britain and France's conceivable support for the action *if* it would lead toward a

strengthened and more effective UN granting them greater powers through their permanent seats on the Security Council. Germany and Italy, divided by their rival bids to become permanent members of the UN Security Council, would likely be united in their fear of jeopardising their aspirations by treating the UN in such a manner. The Nordic states would have to decide between striving for a stronger UN system on one hand, and of politicising the reform programme through EU coercion on the other.

In conclusion, the odds seem stacked against the EU following Professor Keohane's general guidance for substantive UN reform, for three sets of reasons. Firstly, the EU's 'loyalty' to the UN system which at first glance appears to be a 'non-decision' upholding the status quo runs more deeply than that. As Hirschman argues, 'a member who wields (or thinks he wields) considerable power in an organisation and is therefore convinced he can get it "back on track" is likely to develop a strong affection for the organisation in which he is powerful'.<sup>12</sup> Loyalty is not a brake on using exit, but rather a multiplier on willingness to use voice. Europeans will persist in the belief that they have a contribution to make. Secondly, the normative criteria are more stringent for Europeans than they are for Americans, primarily due to domestic publics' likely unwillingness to tolerate the EU making ultimatums. Finally, the credibility of a European exit threat is diametrically opposed to that of the current US government, whose willingness to leave is not in question, only the likelihood of return. For the EU, the threat of collective exit would ring hollow, invariably degenerating into separate positions (and the return not in doubt). More worrying for EU foreign policy would be a reinvigorated US engagement with the UN by the next administration, leading the exit strategy and calling on European Union members' support, and whether this would lead to a split between EU member states, rekindling the divisions in 2003 over Iraq.◊

<sup>1</sup> Lecture for the LSE Grimshaw Club, 4 December 2007. See A. Hirschman, *Exit, Voice and Loyalty: Responses to Decline in Firms, Organizations, and States* (Harvard University Press, 1970). <sup>2</sup> ILO (1977); UNESCO (1984); GATT (late 1980s); UN regular Contributions (mid 1980s)

<sup>3</sup> Hirschman, *Exit, Voice and Loyalty*, p. 16.

<sup>4</sup> UN Charter, Article 108.

<sup>5</sup> See Kofi Annan's proposals: 'In Larger Freedom: Towards Security, Development and Human Rights For All', A/59/2005, 21 March 2005.

<sup>6</sup> See:

[www.un.org/Depts/dpko/contributors/N0642856.pdf?Open%DS=A/61/11&Lang=E](http://www.un.org/Depts/dpko/contributors/N0642856.pdf?Open%DS=A/61/11&Lang=E).

<sup>7</sup> Flash Eurobarometer 151b 'Globalisation', November 2003.

<sup>8</sup> The counter-argument could be made that if a strategy of

exit could be shown to increase the ability of the UN to regulate globalisation, European publics would be in favour. There is insufficient space to explore this argument here.

<sup>9</sup> European Commission, *A World Player: The European Union's External Relations*, Brussels (2004) (p.16) available at: [www.delalb.ec.europa.eu/en/eu\\_global\\_player/6.htm](http://www.delalb.ec.europa.eu/en/eu_global_player/6.htm)

<sup>10</sup> European Council, *European Security Strategy*, Brussels,

December 2003, p. 9.

<sup>11</sup> R. Cooper, *The post-modern state and the world order*, London, Demos (2000), M. Leonard, *Why Europe will run the 21st century*, New York, Public Affairs (2005)

<sup>12</sup> Hirschman, *Exit, Voice and Loyalty*, p. 78.

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