

## Making EU Foreign Policy More Effective

The EU has become one of the major international actors, but is still far from exploiting its vast foreign policy potential. In order to overcome the major shortcomings of its Common Foreign and Security Policy (CFSP),

- > The EU needs to take CFSP decisions by **qualified majority**.
- > The EU needs a **Council specialised in Foreign Affairs**.
- > The EU needs a **competent machinery** for preparing foreign policy decisions.
- > CFSP needs more **continuity**.
- > The EU will need to **improve implementation**.
- > The consultation of the EP on CFSP matters needs to be strengthened.
- > **Subsidiarity** should also govern European foreign policy.

**Three amendments** are **absolutely essential** for the effectiveness of the CFSP:

- > Decision-making should take place by **qualified majority voting** when a consensus appears too difficult and time-consuming to reach.
- > The functions of **External Affairs Commissioner** and **High Representative** for Foreign and Security Policy should be **merged in one person**.
- > The Presidency should focus on its key function of bringing about the necessary decisions in the **Council specialised in Foreign Affairs**.

## Making EU Foreign Policy More Effective

Since 1970, EU member states have been intensifying their foreign policy cooperation. The Maastricht Treaty (1992) has established a formal constitutional basis for the Common Foreign and Security Policy (CFSP). In 1997 (Amsterdam Treaty) member states have further amended these constitutional provisions, in particular by creating the function of the High Representative for Foreign and Security Policy (H.R.).

Under the present treaty provisions the responsibility for policy formulation and implementation lies in the hands of the Council, with special responsibilities for the Council presidency and the High Representative. The role of the Commission and the European Parliament in this crucial but sensitive area remains limited. This differentiates foreign policy from policies that are governed by the European Community Treaty.

In view of the ongoing reform process and the imminent enlargement of the EU to another 10 member countries it is appropriate

- to examine the accomplishments and shortcomings of CFSP;
- to consider proposals for its improvement.

During the past 30 years the EU has become one of the major international actors, together with the USA, Russia, China and India. The international community is calling more and more on the EU to intervene in local or regional conflicts and crises, to fight poverty, to help establish peace, democracy and sustainable development in the world. The overwhelming majority of European citizens also believe that foreign and security policy should fall under EU competence.

The EU has established a comprehensive network of bilateral and multilateral treaties and consultations with the main countries throughout the world.

- It has been instrumental in setting up an international legal order in the area of trade (GATT/WTO).
- Without a strong EU involvement the implementation of the Kyoto Protocol would have been even more difficult.
- The EU has successfully reintegrated the countries of Central and Eastern Europe into the European mainstream and prepared them for EU membership.
- The EU has developed a coherent long-term strategy for its Mediterranean neighbourhood that is being slowly implemented.
- The EU has succeeded in tackling two of the extremely sensitive issues in the former Yugoslavia, i.e. Macedonia and Montenegro.

These successes were possible thanks to a combination of three essential factors:

- The Council has decided on the direction of the policies;
- It has done so on the basis of comprehensive policy proposals prepared by the Commission or the High Representative;
- It has left the negotiation and implementation of agreed policies to either the Commission or the High Representative.

Still, the EU is far from exploiting its vast foreign policy potential. If it were better organised, the EU would be able to wield a much bigger and beneficiary influence in current world affairs, to its own advantage and that of the international community. Indeed, jointly the future 25 member countries will dispose of the biggest foreign policy machinery on earth. Combined they will be running almost 2000 diplomatic missions (including some 130 Commission Delegations).

CFSP suffers from five major shortcomings:

- Its decision making requires unanimity of all member states.
- Its decisions lack adequate preparation by a competent, clearly designed and operational foreign policy machinery.
- There is too much discontinuity because of the 6-months rotating presidencies, especially for external representation.
- There is no coherent machinery of policy implementation.
- The involvement of the EP is at best superficial.

These shortcomings will increase dramatically in an enlarged EU. The EU decision machinery will most likely be completely paralysed unless the present shortcomings are seriously addressed. The EU will therefore have to review and to improve the functioning of CFSP.

The present paper is meant to contribute to the debate on CFSP reform that will take place in the Convention during 2002/03. It will not deal with European defence. European defence requires a comprehensive analysis of the global security developments in the 21<sup>st</sup> century. To that end, European defence ministers should appoint a special task force to report to them before the end of 2003. It is only when defence ministers have a clearer picture of the long-term challenges that lie ahead for Europe that one can seriously consider how to best incorporate defence matters in the EU's long-term constitutional setting. This paper suggests not overloading the ongoing constitutional reform process by including defence issues.

## **1. Subsidiarity should also govern European foreign policy**

There is no need for the EU to have the exclusive competence for foreign policy. The EU should only integrate those parts of external relations where it is necessary in the interest of more effectiveness and synergy to deploy common resources and procedures and to take common action. The Foreign Affairs Council - exceptionally, in extremely sensitive matters, the European Council - will have to decide where situations require a common action by the EU (cf. Article 14 EUT).

But whenever the EU decides to take joint action, it must do so effectively.

A great deal of external relations, e.g. culture, trade and investment promotion, many consular affairs, can therefore still remain in the hands of member states. This may be costly; but the status quo can be maintained as long as it does not negatively affect the defence of common EU interests.

## **2. The EU needs to take CFSP decisions by qualified majority**

A European Union with 25 or more member states will not be able to take CFSP decisions with the required speed and effectiveness if it continues to be tied by the rule of unanimity. “Constructive abstention” will not solve the problem. The top priority reform must therefore aim at qualified majority voting as the ground rule for taking decisions.

In the absence of qualified majority voting the EU will never be a match for competing players on the international scene like the USA, Russia, China, etc.

Article 14 EUT must therefore be amended accordingly.

## **3. The EU needs a Council specialised in Foreign Affairs**

CFSP proves to be a time-consuming business. It is likely to require even more input of time, energy and creativity, as the EU role on the international scene will further increase.

EU Foreign ministers must therefore concentrate fully on the shaping of foreign policy. It is in the Foreign Affairs Council that the EU will debate and decide on common foreign policy issues; the European Council should only intervene exceptionally.

This reform will be very important in order to allow for much more substantive and focused discussions. It will help to progressively build a European doctrine on the major international issues.

Ministers should meet at least once a month for a formal session. The Political and Security Committee should meet weekly, decide much of the current business and prepare whatever decisions have to be taken at ministerial level.

This reform does not require any Treaty amendments.

## **4. The EU needs a competent machinery for preparing foreign policy decisions**

The Foreign Affairs Council will only be capable of speedy and judicious decision making if it can rely on policy proposals defining the common interests and the concrete measures to be taken to that end.

The lack of a competent and committed machinery fulfilling those functions is the second most important handicap to a more effective EU foreign policy.

The Commission has been largely absent from the scene. It has failed to feed the Council with the policy proposals that Article 22 EUT specifically invites it to submit. It has failed to organise its services accordingly.

It is therefore normal that the H.R. has been building up his own staff for the task of policy preparation (within the Council Secretariat).

It is necessary to address these deficiencies. To that end,

- the functions of the External Affairs Commissioner and the High Representative will have to be conferred to one and the same person. This person will need to be

appointed by both the President of the Commission as External Relations Commissioner and by the member states as High Representative.

- the Commission will have to give to the External Affairs Commissioner a certain authority (“habilitation”) to submit proposals to the Council without passing through the College, whenever confidentiality or urgency require this.
- the Commission will have to undertake a major overhaul of its external relations department, in terms of manpower and professional capabilities, in order to develop the necessary expertise to prepare foreign policy proposals and diplomatic missions. In the beginning there is plenty of scope for the executive machinerie of both the High Representative and the External Relations Commissioner, provided they work hand in hand without duplication.

## **5. CFSP needs more continuity**

At present the EU changes its “foreign minister” every six months. Indeed, the EU Treaty confers upon the six-monthly rotating Presidencies the responsibility of external representation, policy making, policy implementation and relations with the EP. This constitutes an impossible burden.

It is therefore proposed to delegate the role of external representation very extensively to the H.R. and thus allow the rotating Council President to focus on the chairing of the Foreign Affairs Council and the facilitation of the necessary decisions. Even with better preparation of decisions by the strengthened policy preparation machinery the President will have plenty to do in order to reach agreements among 25 or more foreign ministers.

## **6. The EU will need to improve implementation**

Implementation of CFSP remains a sore point. It is dispersed among different actors (Presidency, EU Commission, H.R., member states’ foreign ministries, diplomatic missions of member states, Commission delegations). The chain of command between the decision making level (Foreign Affairs Council) and the implementation machinery is not clearly defined.

In order to make implementation more effective, three essential measures should be taken.

- First, the H.R. should be in charge of implementation of policies. He embodies the element of continuity that is essential to any proper follow-up of policy decisions taken by the Council.
- Second, every policy act decided by the Council should contain a precise checklist and calendar of follow-up actions (demarches, laws, financial support etc.) to be taken.
- Third, the Commission delegations in third countries and with international organisations should be transformed into EU embassies. These should be entrusted with the follow-up of CFSP actions. It will be up to them to deliver EU demarches, to represent the EU in their host countries etc. They will have to consult and coordinate with the diplomatic missions of the member states, whenever necessary.

## **7. The consultation of the EP on CFSP matters needs to be strengthened**

Article 21 EUT provides for the Presidency to consult the EP on the “principal aspects and fundamental options of CFSP”.

It is necessary to review the consultation procedures in view of making them more effective. This is crucial for the credibility of CFSP. It will need the political backing not only of member states and their parliaments but also of those who have been elected to the EP.

Three practical suggestions might improve the consultation mechanism.

- First, as a rule, consultation should take place with the Foreign and Security Committee.
- Second, consultation should as a rule take place between the H.R. and the Committee.
- Third, the H.R. should address the EP in plenary sessions at least once every six months.

## **8. Conclusions**

EU Foreign policy needs a major revamping in order to make it more effective and to give it more backing from the European Parliament.

Most of the improvements will require treaty changes.

Three amendments are absolutely essential for the effectiveness of the CFSP:

- Decision-making should take place by qualified majority voting when a consensus appears too difficult and time-consuming to reach. This requires changes of Art. 23 and 24 of EUT.
- The EU should in a foreseeable future put an end to the existence of two foreign policy machineries, one at the Council Secretariat, the other at the Commission. The functions of External Affairs Commissioner and High Representative for Foreign and Security Policy should therefore be merged as soon as possible in one person.
- The Presidency should entirely focus on its key function of bringing about the necessary decisions in the Council specialised in Foreign Affairs.