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## **New Impulses in European Foreign and Security Policy The Draft Constitution of the Convention and the European Security Strategy**

### **The EU's role in foreign affairs in the 21st Century**

The Common Foreign and Security Policy (CFSP) and the European Security and Defence Policy (ESDP) are today among the **most dynamic and most frequently discussed policy topics** within the European Union. Developing a European profile in foreign and security policy has become one of the key integration projects of the EU. This project is not only about pooling national forces and capacities but also about asserting the Union's identity on the global stage. At the same time, however, there is a great divergence between the demands and expectations of the Europeans on the one hand, and the political reality on the other. Therefore, enthusiasm and disappointment, crisis and progress are often very close to each other.

This has been particularly true for the past year. In 2003 the EU launched its first ever crisis intervention missions in Bosnia-Herzegovina, Macedonia and Congo. These missions provide tangible evidence of the remarkable advances achieved within European security policy. Yet at the same time, the **war on Iraq** caused a deep rift within the EU. The quarrel among Member States paralysed any EU initiative on the issue. The whole CFSP project seemed to be in a crisis.

However, this experience also resulted in an intense **reform debate** on European foreign and security policy and mobilised the political will to tackle unsolved conceptual and institutional questions within these policy areas. The new reform dynamic thereby centred essentially on two initiatives: the first **European Security Strategy (ESS)**, and **Draft Treaty establishing a Constitution for Europe by the European Convention**. Although at the European summit in December the Union succeeded only halfway in realizing these initiatives – adopting the ESS, but failing to close a deal on the constitution – both documents provide important impulses for the further development of CFSP and

ESDP. Yet, beyond the implementation of these initiatives the success of the foreign and security policy integration project depends on the ability of Europe to develop an overall concept for the CFSP which meets the demands of security and foreign policy in the 21<sup>st</sup> century and at the same time is acceptable and feasible for the enlarged Union.

### **The Development of European Foreign and Security Policy**

#### **Third time lucky – a difficult start**

The idea of giving Europe a common voice in foreign affairs is as old as European integration itself. Almost as old, however, is the knowledge that the path leading to it is extremely arduous and full of obstacles. The early stages of European foreign and security policy were dogged by two failures. In the 1950s the Pleven Plan proposed the foundation of a European Defence Community (EDC) with an integrated European army under joint leadership (see Table 1). After the EDC treaty had already been signed by the governments of the Member States, resistance on the part of the French parliament thwarted the plan in 1954. In the early 1960s, following the Fouchet Plans, the foundation of a political union with a common foreign and security policy was discussed. However, this initiative also finally came to nothing owing to the unwillingness of the national states to renounce their sovereignty in security and defence matters.

At the third attempt a political breakthrough was finally achieved. On the basis of the Davignon Report the European Political Cooperation (EPC) was founded in 1970. Within the framework of the EPC the governments of the Member States undertook to inform each other of their standpoints in foreign policy and to coordinate them in so far as they were relevant for the

The European rift over Iraq has become a catalyst for reform and reorientation of the CFSP.

The idea of Europe having a united voice in the world is as old as integration itself.

**Table 1: Chronology of European Foreign and Security Policy**

Year	Place/Purpose	Resolution
1950-54	Pleven Plan	Move to found a European Defence Community (EDC). The EDC founders in 1954 because of resistance on the part of the French parliament.
1960-62	Fouchet Plans	Move to found a political union with a common foreign and security policy. Negotiations fail in 1962.
1970	Davignon Report / Founding of the EPC	The European Political Cooperation (EPC) is founded. The EPC is based on informal consultation and cooperation procedure between governments. It is hoped to coordinate the Member States positions in foreign affairs through an exchange of information.
1986	Single European Act	Institutionalisation of EPC procedure in the Community treaties; EPC Secretariat set up in Brussels.
1991	Maastricht Treaty, Founding of the CFSP	The <b>Common Foreign and Security Policy (CFSP)</b> replaces the EPC. A new objective, that of a "common security policy" is added. Innovations: Introduction of an intergovernmental second pillar of the EU as a framework of the CFSP; the WEU becomes the military arm of the EU.
1992	Petersberg Declaration	The WEU adopts the <b>Petersberg Tasks</b> (humanitarian and rescue missions; peace-keeping duties; military intervention in the field of crisis management) as its new catalogue of tasks.
1997	Treaty of Amsterdam	Treaty to consolidate and develop the CFSP. Innovations: High Representative; integration of the Petersberg Tasks in the EU treaty; policy planning and early warning unit.
1998	St. Malo / British-French summit	A common declaration on European security structures prepares the way for a European security and defence policy.
1999	European Council / Cologne	The European Council resolves to set up an independent and operational <b>European Security and Defence Policy</b> .
1999	European Council / Helsinki	<b>EU Headline Goal:</b> laying-down of a European planned objective for military deployment under the terms of the Petersberg Tasks (goal: by 2003 60.000 persons within a maximum of 60 days for a mission lasting a year).
2000	European Council / Feira	Concretisation of non-military crisis management: laying-down of four priorities (police, rule of law and civilian administration personnel, disaster control measures) and a common planned objective (by 2003 5.000 police ready for operations, 1.000 of them within 30 days).
2000	Treaty of Nice	<b>The European Security and Defence Policy (ESDP)</b> becomes an official part of the CFSP. The ESDP comprises all EU security issues, including the "establishment of a common defence policy". Innovations: transference of WEU institutions and capacities to the EU (Exception: mutual assistance pact); procedure of "enhanced cooperation" within the CFSP (not ESDP); permanent Political and Security Committee, Military Committee, Military Staff.
2001	European Council / Laeken	European Council confirms that European crisis management forces are "ready for action".
2003	Bosnia Herzegovina / Macedonia / Congo	The EU takes over the UNO mission in Bosnia-Herzegovina (Police Mission), NATO mission in Macedonia (Operation "Concordia"; first military mission of the ESDP) and UNO peace mission in Congo ("Operation Artemis"; first EU crisis intervention outside Europe).
2003	Close of the European Convention	The Convention adopts the Draft of the EU Constitution Treaty. Innovations: European Minister for Foreign Affairs, solidarity clause, procedures of "enhanced" and "structured cooperation", EU Office for Armaments, Research and Military Capabilities.
2003	European security strategy	The EU adopts the first European Security Strategy (ESS). Based on threat analysis, the ESS defines three strategic objectives of the EU and describes the consequences for European policy.

rest of the Community. The EPC was, however, not part of the European treaties but was originally a purely informal procedure. Cooperation in foreign affairs was strictly intergovernmental, i.e. it was the sole responsibility of the governments of the Member States. Decisions were taken only by common consent. Community institutions such as the Commission, the European Parliament or the European Court of Justice had no say in foreign affairs.

In the course of time the EPC was developed further and provided with its own political institutions (regular meetings of the foreign ministers, the Political Committee, the European Correspondents' Group). The **Single European Act** of 1986 finally anchored the EPC officially in the Community's treaties, thus establishing **the first legal basis for a common European foreign policy**. However, this step did not alter any of the basic cooperational structures. European foreign policy still remained in the hands of the national governments and depended on their mutual agreement. This is also reflected in the sum of the EPC's political achievements: although contact between European foreign ministries was distinctly intensified and there were also successful attempts to arrive at a united European position in international negotiations (particularly with regard to the CSCE and the UN), the Community under the EPC did not succeed in being taken seriously as an actor in international affairs. The procedure of reaching a consensus was too inefficient and protracted for European interests to be represented effectively. In addition, the EPC repeatedly faced the problem of **particularist national interests getting in the way of a common position**.

### Reorientation following the end of the Cold War

The end of the Cold War brought about fundamental changes in Europe, particularly in the area of security and foreign policy. The territorial threat from the Eastern bloc had vanished, and with the eastern enlargement of the European Union there was an **opportunity for the peaceful unification of the continent**. Nevertheless, the danger of military conflicts in Europe was not eliminated, and as the breaking up of Yugoslavia showed, the EU was not able to deal with such crisis and conflict situations on its own.

In this period of change the Member States decided in 1991 to start afresh where foreign policy was concerned. The Maastricht Treaty replaced the EPC by the **Common Foreign and Security Policy (CFSP)** and established this as the second pillar of the European Union. This clearly meant higher priority for European

cooperation in foreign affairs. In addition, the Member States decided to extend the EU's field of activity by the dimension of a security policy. As stated in Title V of the Maastricht Treaty, the CFSP is to safeguard the common values, fundamental interests and independence of the Union, promote international cooperation, preserve peace and consolidate democracy, the rule of law and respect for human rights, and strengthen European and international security. Therefore, while reorientation and expansion of competences came about with regard to the tasks and goals of the CFSP, it remained true to the structures of the EPC as far as institutions and procedures were concerned. The decision-making powers remained in the hands of the Council and thus of the governments of the Member States. Under the terms of the Maastricht Treaty the Commission and Parliament only received limited information and consultation rights. Neither did the Treaty provide for any independent military capabilities on the part of the EU, but stated on the contrary that security policy decisions were to be implemented through the institutions of the **Western European Union (WEU)**.

The end of the Cold War enhances the dimension of the EU's engagement in foreign and security policy.

This step was the beginning of an increased dovetailing of the CFSP and the WEU. In 1992 the WEU passed a resolution on the so-called **"Petersberg Tasks"** in response to the new challenges to Europe in matters of security policy. This new list of tasks included humanitarian and rescue missions, peace-keeping operations and tasks of combat forces in crisis management. The Petersberg Tasks were incorporated in the CFSP through the **Amsterdam Treaty** in 1997. Furthermore, the WEU officially became an "integral part of the development of the Union".

The Amsterdam Treaty also furthered progress in institutional matters. The most important innovation was the creation of the post of **High Representative for the CFSP**, responsible for contributing to the formulation, preparation and implementation of political decisions in CFSP-related matters and representing the Presidency in joint foreign and security policy matters. On 18<sup>th</sup> October 1999 Javier Solana, former NATO Secretary General, took over this office for a period of five years. Under his authority is the "policy planning and early warning unit", in Brussels jargon also known as the "political staff", which is responsible for analysing foreign and security policy interests.

## The Breakthrough in European Security Policy

Although the goal of a common security policy had already been stated in the Maastricht Treaty, at first no progress could be made in this area. The main reason for this was Great Britain's basic refusal to consent to common initiatives in the field of defence and security. A significant breakthrough was achieved in 1998 at the British-French summit in **St. Malo**. Under the impact of the steadily worsening crisis in Kosovo, the British and French governments agreed that, in order to be able to react to international crises, the Union must have the "capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so". On the basis of this consensus the European Council decided at the European summit in Cologne in 1999 to create an independent **European Security and Defence Policy (ESDP)**.

Only six months later the European Summit in Helsinki confirmed this resolution with the **adoption of concrete objectives for the ESDP** (see Table 2). Within the framework of the "EU Headline Goal" the Member States committed themselves to establishing by 2003 such military capacities as would enable the ESDP to cover the full range of Petersberg Tasks. This included the formation of a contingent totalling 60.000 soldiers who could be deployed within 60 days at the most for a military operation lasting at least a year. In addition, the Council decided to introduce a permanent committee for political and security issues, a military committee and European military staff. In Helsinki the Council also agreed to introduce a coordination mechanism for **non-military crisis management**. This civilian dimension of the ESDP was expanded over the following period. The Member States committed themselves to providing a 5.000-strong police force for international missions. It was also agreed that a readily deployable disaster control force (up to 2.000 strong) and a pool of 200 experts on the rule of law (judges, lawyers, prison officers) should be formed. The Union further introduced the so-called "Rapid Reaction Mechanism", an instrument which provides fast financing for conflict prevention.

In 2000 the **Treaty of Nice** formally confirmed the security agreements reached in previous years: the ESDP officially became part of the CFSP, the WEU institutions and capabilities which had already been integrated in the ESDP were now transferred to the EU. However, the intergovernmental conference was able to provide hardly any new impulses in the area of the CFSP. The only notable innovation was the introduction of the procedure of "enhanced cooperation",

which enables a group of at least eight countries to conduct joint operations in the field of CFSP as a kind of "pioneer group". However, this can only be implemented on condition that no Member State objects to the procedure. Besides, such cooperation does not extend to military and defence projects. As yet, this procedure of "enhanced cooperation" in the CFSP has never once come into effect. The goal of making decision-taking in the CFSP more flexible and efficient has therefore not been achieved.

**Table 2: Military and civilian instruments of the ESDP**

Instrument	Description	Examples
Military crisismanagement	Helsinki Headline Goal: military forces of up to corps level (60.000 persons, plus, as appropriate, air and naval elements), ready to operate within 60 days for a duration of at least 12 months in accordance with the Petersberg tasks.	Concordia mission in Macedonia (2003), Artemis mission in Congo (2003)
Non-military crisis management	Operational capacities: 5.000 police ready for action (1.000 within 30 days), 200 experts on rule of law and 2.000 experts for civil protection.	Police Mission in Bosnia and Herzegovina (2003)
Economic crisis management	"Rapid Reaction Mechanism": mechanism for rapid financing of conflict prevention	Reconstruction aid for Afghanistan (2001), support of border controls and police reform in Central Asia (2003)

## The ESDP's first Operations

After the Nice Summit the greatest impetus in European foreign and security policy arose from the progress made in operational areas. In December 2001 the European Council declared at the Laeken Summit that the EU Headline Goal had been reached. To the astonishment of many observers the ESDP was ready for action more than a year before the target date. Only 13 months after this declaration, on 1<sup>st</sup> January 2003, the first operation of the ESDP was put into

practice: the ESDP took over from the UN Police Mission in Bosnia-Herzegovina. The aim of the European

With its missions in Bosnia-Herzegovina, Macedonia and Congo in 2003 the ESDP proved its operational capability for the first time.

Police Mission (EUPM) is to advise the police in Bosnia and Herzegovina on the setting-up of effective rule of law structures. The

EUPM is a non-military operation, the EU police force unarmed.

Only three months later the signal was given for the EU's first military operation. Under the name of "Operation Concordia" the EU took over military responsibility in Macedonia, replacing the NATO mission "Allied Harmony". 350 soldiers from 27 states (the 13 Member States along with several candidates for membership and NATO members) are participating in the operation. At the request of the EU the NATO headquarters in Mons are directing the operation. This constellation means that the Macedonia mission will not only serve to test the operational capabilities of the ESDP, but also as a trial of NATO and EU cooperation. The military operation in Macedonia ended in December 2003 and was replaced by the EU-led police mission "Proxima". Moreover, the EU will probably take over the NATO SFOR mission in Bosnia and Herzegovina in the autumn of 2004.

Owing to the acute humanitarian disaster in the Congolese region of Ituri, the European Council passed a resolution in June 2003 to send a common strike force of 1.400 men to the Congo for a limited period of four months. "Operation Artemis" is the first EU emergency action outside Europe and the first autonomous military mission of the ESDP (without calling on NATO resources). It took place under a "robust mandate" of the UNO, that is, the EU troops were authorised to use military force if necessary.

### Despite successes: deficits remain

Since the 1990s the EU has been able to make considerable progress in the development of a common foreign and security policy. Particularly notable is the rapid evolution of the Union's security policy and the EU's successes in setting up and deploying its own operational forces. However, the Iraq crisis illustrated that Europe's foreign and security policy still faced serious **structural and strategic deficits**. Whenever the issue in question is a source of controversy within the EU joint action rarely comes about. A central cause for this is to be found in CFSP and ESDP structures: coopera-

tion between states, the consensus principle and the fragmentation of foreign policy competences within the EU greatly limit the efficiency and effectiveness of the policy. The tendency to create its own obstacles is further intensified by the Member States' habit, particularly in foreign and security issues, of thinking first on a national and then – if at all – on a European level.

Furthermore, while the EU had achieved the operational means for an active security policy it still lacked a comprehensive concept describing goals and principles of such a security commitment. After 1989 the EU developed with the vision of the "unification of the continent" a convincing and, as the forthcoming enlargement shows, workable strategy for the stabilisation of Eastern Europe. Yet, beyond this vision, concerning the overall question of Europe's role as a global actor, no

In matters of foreign and security policy Member States continue to think on a mainly national level.

strategic concept had so far been developed.

However, with the end of the Iraq war the CFSP debate gathered new momentum, mainly due to two reform initiatives: the Convention's Draft Treaty establishing a Constitution for Europe" and Javier Solana's proposals for a European Security Strategy. While the former focuses on enhancing the structures of Europe's foreign and security policy, the latter outlines a strategy for the European Union as a provider of security in the new international environment.

### The Proposals of the European Convention

At the Laeken Summit in 2001 the European Convention was instructed by the Council to "consider the key issues arising for the Union's future development". Within this mandate the discussion on "Europe's new role in a globalised world" was to play a prominent part. On the basis of this order the Convention presented in June 2003 its proposals as to the form which the CFSP and the ESDP should take in the future.

The **objectives of European foreign and security policy** are defined in the draft of the constitution as follows:

*"In its relations with the wider world, the Union shall uphold and promote its values and interests. It shall contribute to peace, security, the sustainable development of the earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and protection of human rights [...], as well as to strict observance and development of*

*international law, including respect for the principles of the United Nations Charter” (Art.3 (4)).*

The EU desires an international system “based on stronger multilateral cooperation and good global governance” (Art III – 193 (2)). The Petersberg Tasks are supplemented by “the fight against terrorism” (Art. III 210).

### Principle Innovations of the Draft Constitution

The most important institutional and procedural innovations of the draft of the constitution with regard to the CFSP and the ESDP are:

- The **Union Minister for Foreign Affairs** (Art. 27, Art. III - 197; Art. III 200 - Art. III 206)
  - has the right of initiative and is responsible for implementing all decisions regarding the CFSP and ESDP;
  - as chairman of the Foreign Affairs Council he is head of the CFSP and is at the same time in his capacity as Vice-President of the Commission responsible for foreign relations and the coordination of all other aspects of foreign affairs with the EU (“double hat” principle);
  - is accountable for the coordination of the EU Member States’ position in international organisations;
  - may under certain conditions represent the Union’s standpoint to the UN Security Council;
  - is appointed by the European Council by a qualified majority and with the agreement of the President of the Commission.

He is in charge of a “European External Action Service” which combines the diplomatic services of the Council and the Commission in a uniform structure.

- **Solidarity Clause** (Art. 42 and Art. III – 231)  
The EU can mobilise all the means at the Union’s disposal, including the military means of the Member States, to ward off terrorist threats within the Union or to come to the aid of a Member State in the case of a terrorist attack or a natural or man-made disaster.
- **Structured Cooperation** (Art. 40 (6) u. Art. III - 213)

This procedure makes it possible for the first time to form a political pioneer group in security matters (virtually a “Eurozone” for security policy). Structured cooperation can be established between Member States who have previously fulfilled certain “high military capability criteria” and wish to enter into “more binding commitments” (comparable with the Maastricht criteria of the WEU). Other Member States can join in the

structured cooperation at a later date if they fulfil the criteria.

- **Enhanced Cooperation** (Art. 40 (7))

This procedure allows for closer cooperation of a group of Member States as regards mutual defence: if a Member State participating in enhanced cooperation is the victim of armed aggression on its territory, the other participating states “shall give it aid and assistance by all the means in their power, military or other” (solidarity clause); close cooperation with NATO is expressly provided for.

- **The European Armaments, Research and Military Capabilities Agency** (Art. 40 (3) u. Art. III - 212)

The Agency is to fulfil a wide range of tasks with regard to information, analysis, support, coordination and proposals, its objective being to identify and strengthen the operational capabilities of the ESDP. Within this structure, which is available to all Member States, specific groupings may be formed.

### Assessment of the Draft Constitution

For the moment the constitutional project has been put on ice after negotiations between member governments broke down at the summit in Brussels over the question of Member States’ voting rights. It is not yet clear when the constitutional talks will be resumed, though at least the signs for an early adoption of the constitution (that is before the end of 2004) are now more favourable than in the immediate aftermath of the collapse.

However, even if no agreement is reached, the proposals of the draft constitution, especially in the area of CFSP and ESDP, will not be automatically shelved once and for all. Some of the proposed innovations are already being implemented outside the constitutional framework, e.g. the European Armaments, Research and Military Capabilities Agency, which is planned to be in operation before the end of 2004. Moreover, while

The Convention’s proposals increase the coherence and flexibility of the CFSP but do not bring about a basic reform of its structures.

negotiations on voting rights failed, as regards foreign and security policy Member States succeeded in reaching agreement on all the disputed issues of the draft constitution. These agreements constitute essential reference points for the future development of the CFSP, whether or not the constitution is passed.

Having said this, the constitutional proposals do not, however, represent a fundamental reform of CFSP structures. This is primarily due to the fact that the constitutional treaty continues along the lines of the basic intergovernmental principle in European foreign and security policy. The Convention's proposals still leave decision-making in foreign and security matters in the hands of the national governments. The Member States' right of veto also remains more or less unaltered, though many observers hold these very structures to be the core of the CFSP's efficiency and effectiveness problem.

A genuine step forward from the present structures is the planned new post of **European Minister for Foreign Affairs**. Compared with the present post of High Representative of the CFSP, the Foreign Minister will receive a far more comprehensive range of competences and responsibilities. By virtue of his right of initiative he can act without being requested to by a Member State and submit proposals to the Council. Moreover, the Foreign Minister's dual function in the Council and the Commission and his coordinating role in international negotiations reinforces the coherence of European foreign policy. On the other hand, this constellation may also give rise to inter- and intra-institutional tensions. The future Foreign Minister will therefore have to perform a difficult balancing act between various committees and loyalties. Tension can also be expected between the Foreign Minister and the other newly-defined office of the President of the European Council. According to the draft of the constitution the President of the Council is primarily its chairman and responsible for ensuring preparation and facilitating consensus within the European Council, but in this capacity he is also responsible for the "external representation of the Union on issues concerning its common foreign and security policy" (Art. 21. (2)).

**Disputes over competence** seem to be predestined here.

As regards the **development of CFSP procedures** the Draft of the Treaty presents an ambivalent picture. Despite a German-French initiative the Convention was unable to achieve a breakthrough on the issue of the extension of qualified majority decisions. A sustainable increase in the CFSP's efficiency is therefore not to be expected. On the other hand, through "enhanced" and "structured cooperation" the Draft opens up possibilities for accelerating the development of a European foreign and security policy in a small pioneer group of Member States. However, in the light of the "enhanced cooperation" procedure introduced with the Treaty of Nice, experience has shown that the exist-

tence of such procedures does not necessarily mean more flexibility in political practice.

## Solana's European Security Strategy

Although it largely went unnoticed after the failure of the intergovernmental conference, the EU adopted at the Brussels summit its first ever Security Strategy. In May the EU foreign ministers had commissioned Javier Solana, the High Representative of the CFSP, to develop a strategic concept for the Union's security policy. Within only a few weeks Solana presented a draft strategy titled "A secure Europe in a better world", which was met with great approval and which, after minor amendments, was agreed on by all Member States in December.

The core of the European Security Strategy (ESS) is the requirement that the EU must in future define its field of action on a global basis: "As a union of 25 states with over 450 million people producing a quarter of the world's Gross National Product (GNP), and with a wide range of instruments at its disposal, the European Union is inevitably a global actor". The ESS also emphasises the profound changes affecting security policy which have come about since the end of the Cold War.

The EU must in future define its field of operation in global terms

A central point in this development is the opening of borders, which enables the spread of democracy, freedom and prosperity but which has also led to some new conflicts and aggravated existing ones: these include the destabilisation of regions through violent disputes, growing poverty in developing countries, climatic changes and world-wide migratory movements. Geographic distance loses its significance where security policy is concerned, as even conflicts and crises in far-off regions affect Europe, both directly and indirectly.

## Global Challenges

Whereas the danger of large-scale military aggression against Member States has decreased, Europe must be prepared to face the following key threats:

1. **Terrorism:** Europe is both a target and a base for a new and extreme kind of violent terrorism. Compared with previous forms of terrorism, the new terrorism is linked by international networks, well equipped and in particular willing to use unlimited violence. The most recent

wave of terrorism is also associated with a violent religious fundamentalism.

2. **The Proliferation of Weapons of Mass Destruction** (WMD) poses the greatest potential threat to Europe's safety. International treaties and control arrangements have slowed down the spread, but – especially in the Middle East – there are signs of a new WMD arms race. One particularly acute threat is the connection between weapons of mass destruction and the new form of terrorism. Here, a traditional policy of deterrence is useless.
3. **Regional Conflicts:** Violent or frozen conflicts threaten regional stability. They destroy human lives and social and physical infrastructures and breed other threats such as terrorism and state failure. "The most practical way to tackle the often elusive new threats is sometimes to deal with the older problem of regional conflict."
4. **State Failure:** Bad governance, corruption, abuse of power, unsound institutions and civil conflicts have led in many parts of the world to a weakening of state and social structures. State failure is associated with obvious threats such as organised crime and terrorism. It undermines global governance and adds to regional instability.
5. **Organised Crime:** Europe is a prime target for organised crime affecting European security in the form of illegal trafficking of drugs, arms and human beings. It can also be linked to terrorism.

### Europe's Strategic Objectives

Under consideration of the European Union's values, traditions and strengths, the ESS proposes three strategic objectives for a common security policy:

1. **Addressing the Threats:** The EU must redouble its efforts in the fight against terrorism, proliferation and the dangers arising from "failed states", organised crime and regional conflicts. According to Solana the "first line of defence" will often be abroad. The new threats are dynamic, i.e. the danger will increase unless they are tackled promptly. Preventative action against conflicts and threats can therefore not be taken early enough. Because none of the new dangers is of a purely military nature, a new "mixture of instruments", consisting of both civilian and military crisis management will be required. According to the ESS the EU is par-

ticularly well equipped to respond to such complex challenges.

2. **Building Security in the EU's Neighbourhood:** Europe must make a significant contribution to promote stability and responsible governance in the countries bordering it. EU enlargement promotes European security, but it also brings Europe closer to crisis areas. The EU must extend the benefits of economic and political cooperation to its future neighbours in the East and help to resolve political problems and conflicts in neighbouring regions. Resolution of the Arab-Israeli conflict, cooperation with the Mediterranean region (the Barcelona Process) and with the EU's new neighbours in Eastern and Southern Europe have strategic priority.
3. **An International Order based on Effective Multilateralism:** The security and prosperity of the EU depend to a large extent on a functioning world order. The EU is committed to strengthening the international community by establishing and fostering effective international institutions and a rule-based international order. Its efforts should focus on the key institutions of the international system, in particular the United Nations. The UN Charter is the fundamental framework for international relations. When there are violations against the laws or the rules of the international community, the EU must be prepared to act.

### Effects on European Policy

In order to be able to realise the strategic objectives mentioned above, the ESS calls for a more active, more coherent and more capable European foreign and security policy as well as increased cooperation with the EU's partners:

- **More active:** The EU should be in a position to sustain several operations simultaneously. Europe must develop a **strategic culture** that "fosters early, rapid, and when necessary, robust intervention". The particular value of the EU lies in operations with a "mixture of instruments" consisting of both civilian and military elements.
- **More coherent:** The success of European foreign and security policy depends on joint action. The EU

The CFSP must become more active, more coherent and more capable of action if it is to realise its strategic objectives.



must bring together its different instruments and capabilities, including the military and civilian capabilities of the Member States, European assistance programmes and other economic means. EU actions abroad should follow the same agenda in all policy areas. Particularly in times of crisis there is no substitute for unity of command. This principle of coherence must also embrace the external activities of the Member States.

- **More capable:** To improve the EU's ability to act, the European strategy proposes **increasing the capacity of defence and security resources** and of pooling and sharing assets. In addition it advocates stronger use of the instruments and strategies of **civilian crisis management**, the promotion and pooling of diplomatic capabilities, more sharing of intelligence in security matters and a common system of threat assessment. Finally, Solana appeals for the ESDP's spectrum of missions to be enlarged to include joint disarmament operations, support for third countries in combating terrorism and the common reform of the security sector.
- **Increase in Cooperation with Partners:** "No single country is able to tackle today's complex problems entirely on its own". Therefore the EU must pursue its strategic objectives both in international organisations and within the framework of cooperation with important actors and regions. **The transatlantic relationship** is indispensable for Europe. In addition the EU should concentrate on developing close relations with Russia and also with Japan, China, Canada and India.

### Assessment of the European Security Strategy

The drafting and passing of the first European Security Strategy has been a remarkable project. The ESS at last succeeded in putting the question of the goals and principles of a European foreign and security policy at the top of the Union's agenda, thus **launching a debate which had been long overdue in Europe**. The ESS also combines the visionary elements of a confident Europe's role in world affairs with a clear analysis of the threats which it faces and of the shortcomings in European foreign and security policy. Moreover, the ESS has furthered rapprochement both **inside Europe and on a transatlantic level**, following the differences of opinion over the war in Iraq. It therefore contains definite parallels to the US government's National Security Strategy, particularly with regard to threat assessment. However, in other matters

the consensus between the two security concepts is less obvious. This applies especially to the issues of pre-emption and prevention. Whereas some observers interpret the appeal for "early, rapid, and when necessary, robust intervention" on the part of the EU as an attempt to pave the way for preventative military operations in Europe, others see the emphasis on civilian crisis management as an explicit alternative to the American doctrine of (military) pre-emption.

Such diverging interpretations are indications of a key problem of the ESS: whenever the elements of Europe's path towards an independent profile as a security provider are described, the exposition rather tends to remain vague.

This is particularly true with regard to the **use of mixed strategies in preventing and intervening in**

**conflicts** and in the question of military, economic and diplomatic security instruments. The strategy avoids stating clear priorities and instead appeals for both an increase in military resources and a strengthening of the Union's civilian and diplomatic capabilities.

Moreover, although the security strategy stresses that the enlargement of the Union should not create new dividing lines in Europe, it does not answer the question as to where the Union's capacity for enlargement ends, nor of how neighbouring countries with no hope of acceding to the Union can be stabilised. The **objective of an effective multilateral international order** also remains unclear. Instead of defining the form which such an international order might take, the security strategy comprises an extremely wide spectrum of institutions under this principle: it ranges from the UN via international finance institutions to regional organisations such as ASEAN and MERCOSUR and to transatlantic relations. The ESS states the need for reforms in international institutions but fails to define Europe's wishes as to the form which these might take.

There remains **much scope for interpretation as regards the European profile** in security policy. The ESS must therefore be regarded as the start rather than the end of the strategic debate in Europe. It has, however, set the ball rolling and created the political will to proceed on these lines. At the Brussels summit the European Council asked Javier Solana, the new Presidency and the Commission to present concrete proposals for the implementation of the European security strategy, focussing as a first step on "effective multilateralism", the fight against terrorism, a strategy

With the ESS the European Union tackles a long overdue discussion on strategy.

for the Middle East region and a comprehensive policy for Bosnia-Herzegovina.

### The future of the CFSP and ESDP: strengthened, but not united

The idea of giving Europe a powerful and in particular a united voice in world affairs is more relevant than ever in the current EU debate. However, this vision will not become a reality in the foreseeable future, whether or not the constitution is passed. There will be no changes in the basic structure of the CFSP. The EU remains true to the principle that foreign and security policy-making is the concern of the Member States – not of the common institutions – and that decisions can only be taken unanimously and not against the will of any one state. The CFSP will, as a result, remain in the foreseeable future a venture subject to international negotiations and to the laborious (and probably not always successful) search for consensus. This does not mean that the EU is doomed to insignificance as a global actor. It does, however, mean that **dialogue and consensus between the Member States will remain a basic requirement of European foreign and security policy.**

While bearing this reservation in mind, the innovations can nevertheless be regarded as an important step forward, for they open up **new opportunities for shaping the dialogue within Europe** and offer

Despite these new impulses the EU will still not speak with one voice in international affairs.

the prospect of a more active and coherent European foreign and security policy. According to the draft of the constitution the future European Minister for Foreign Affairs will not only lead the CFSP in the Council but also head the Commission's dealings where foreign affairs are concerned. In addition, the ESS has for the first time provided European foreign and security policy with a uniformity in its strategic terms of reference. The concept of the strategy is not limited to the field of security policy in the classical sense, but comprises all the sectors relevant to security, including, for example, foreign aid, international trade and migration policy. These innovations – in so far as they are put into effect – will undoubtedly **strengthen the coherence** of European foreign and security policy.

The passing of the European Security Strategy also offers an opportunity for the Member States to further **"Europeanise" their national debates on strategy.** The strategy will serve not only the EU institutions but

also the Member States as a means of orientation when defining their own position in foreign affairs and matters of security. This process will, in the medium term, contribute to a convergence in the strategic concepts of the Member States.

The innovations also open up the **perspective of a more active foreign and security policy** for the EU. With the security strategy the CFSP has been given a clear mandate to act. The strategic objectives name fields of responsibility in which Europe must become active in foreign and security matters. In addition, the future European Minister for Foreign Affairs will, according to the draft, receive the right of initiative. He can therefore present policy proposals to the Council of his own accord and thereby **initiate and help to structure dialogues and debates in the EU.** It is this innovation which will offer an opportunity of dealing with approaching international conflicts at an early stage on a European level and thus facilitate the definition of a common position. **Time is a key factor** in the CFSP's chances of success. Although it is doubtful whether a more timely concurrence would have been able to dispel completely the existing differences of opinion between the European partners on the Iraq issue, at least agreement could have been reached on how to deal with the differences between the Member States without provoking a serious crisis within the EU. Actions on the part of individual Member States which are detrimental to the EU as a whole, for example the "Letter of the Eight", could probably in this way have been avoided.

Not least, after the discussions following the Iraq crisis had concentrated for months on the question of "yes or no" to the war, credit must be given to the Convention and Solana's staff for having given the debate on European foreign and security policy the **constructive impulse** which it had long been lacking. The European governments' willingness to communicate and their efforts to agree on a common position and course of action have clearly increased since the end of the Iraq war. The change of mood in European foreign policy is also beginning to take effect. Thus for the first time in a long period European diplomacy was able to achieve an internationally acclaimed success with the British, French and German Foreign Ministers' trip to Teheran in October 2003, during which the Iranian government announced its consent to stop its programme of uranium enriching and to sign the supplementary protocol to the Atomic Weapons Non-Proliferation Treaty.

## Common Challenges

It is difficult to foresee whether or not the current dynamic will lead to a **sustainable strengthening** of European foreign and security policy. Up to now the governments' acquiescence towards reforms and dialogue has been nourished mainly by the negative experience of the break-up of Europe over the Iraq crisis and the fact that no one side alone could call its solo effort a success. Those Europeans who were opposed to the war were unable to prevent military intervention, while its supporters today are faced with an increasingly desolate and threatening situation in Iraq, which despite high military and financial commitment is getting more and more out of control.

Vital to the success of the CFSP is a common understanding of the great international challenges for Europe.

The Convention's proposals and the ESS have converted these frustrations into a positive reformative impulse for the CFSP. In order to achieve a sustainable strengthening of common foreign and security policy, however, it has **to be understood that Europe is faced with a great many pressing challenges** which can only be dealt with jointly. This of course applies first and foremost to the immediate threats to Europe. Of equal importance to dealing with these threats is, however, the task of developing and shaping Europe's surroundings in the context of foreign and security policy. Here, Europe faces great challenges, especially with regard to EU enlargement and transatlantic relations.

## EU Enlargement

On 1<sup>st</sup> May 2004 ten new Member States will join the EU. This is to date the greatest **enlargement** in the history of the EU and at the same time one of the greatest successes in its foreign policy. The European vision of peacefully uniting the continent will become reality. On the other hand, this accession also means that in future Europe will face the challenge of **25 governments having to agree on a common European foreign and security policy** instead of the previous 15. In addition, the new Member States were mainly orientated to NATO with regard to security issues, whereas the CFSP and ESDP were previously of less interest to them. EU enlargement means that there is not only a structural problem within the EU as to how to maintain efficiency and effectiveness in deci-

sion-making in an EU of 25 states, but also the politically strategic issue of arriving at a European foreign and security policy which both respects the interests and requirements of the new Member States and also takes into account the new geopolitical situation of the extended EU.

A particular challenge consists in the shaping of EU policy with regard to neighbouring countries, the so-called **"Wider Europe"** policies. Through enlargement the external borders of the EU will be moved about 500 kms eastwards. Economically and politically unstable countries and regions such as the Ukraine, Belarus and the Balkans will become the EU's immediate neighbours. Following the break-up of the Eastern bloc the EU fostered the political and economic transformation of its neighbours in Central and Eastern Europe mainly by the prospect or the process of accession. In the case of its "new" neighbours, this does not seem to be an option, at least in the middle term. In order to stabilise these countries and thus promote a secure environment for the EU, the EU must with all urgency find **favourable alternatives to the strategy of accession**. A similar strategy of stabilisation and rapprochement – without the prospect of accession – must also be sought for the neighbouring regions to the south of the EU, in particular for North Africa and the Near East. Here the EU made a start in the middle of the 1990s with the Euro-Mediterranean

The interests of the new Member States must be taken into account when defining the goals and means of the CFSP.

Partnership, known as the "Barcelona Process". Although this process was successful in some respects it has not come up to the expectations of either the European or the Mediterranean countries as far as political, economic and security issues are concerned.

One particular challenge in the context of neighbourhood policy is the EU's **relationship with Russia**. Russia is a key partner for the EU from the point of view of the economy and international relations. Domestic developments in Russia, the Chechen conflict and the way in which the State treats the media and large businesses is a growing source of concern. In addition, in the light of past experiences many of the new Member States continue to see in Russia a potential threat rather than a partner and therefore have doubts as to the EU's policy towards Russia which is strongly partnership-orientated. Here too, a strategy must be found within the CFSP framework which takes into account the political and economic interests of the EU and the concerns of the new Member States, and

which above all contributes to stability and democracy in Russia.

### **Transatlantic Relations and the Relationship between the CFSP and NATO**

The US will continue to be the first and most important point of reference for European foreign and security policy. The United States are Europe's most important and most powerful partner. However, as the events of the war in Iraq clearly showed, there is a **growing number of unanswered questions in transatlantic relations**, especially from Europe's point of view. The disputes between the EU Member States before the Iraq conflict were mainly over the question of whether to condone or reject military intervention. However, in the background the issue of Europe's position with regard to the United States also played an important part. There are two main attitudes to this question in Europe: on the one hand there are actors who believe close ties with the US in foreign and security policy issues to be a basic precept of European policy – a standpoint reflected in Great Britain's policy in particular, but also in that of many acceding states; on the other hand there are those actors who are in favour of a certain degree of autonomy in the EU's foreign and security policy, taking a stand against the US government if necessary – a position represented most clearly by the policy of France. The attitude of Germany, which in foreign affairs traditionally has close ties with both France and the United States, seems an ambivalent one here, despite the German government's clear rejection of US intervention in Iraq.

The question of how to solve this latent conflict within the EU will play a decisive part in the further involvement of European foreign and security policy. This is particularly apparent in the **question of the relationship between the ESDP and NATO**. Those who favour close links with the USA fear that by expanding the ESDP it might become NATO's rival and are therefore strictly against total autonomy as far as security and defence policy is concerned. The official position of the EU also stresses that the ESDP should be a supplement but not an alternative to NATO. Nevertheless, in the development of both of these security institutions an increased overlapping of competences and tasks can be ascertained. One reason for this is the forced development and expansion of the ESDP's military capabilities in recent years. The overlapping also results, however, from the realignment and reorientation of NATO which followed the end of the Cold War and is still in progress. Originally a Western security al-

liance against the Eastern bloc, based on the principle of territorial defence and (nuclear) deterrence, NATO today concentrates to an increasing extent on **crisis management and the prevention of conflicts** and on operations outside the territories of the alliance. These are the very areas, however, which also form the core of the ESDP's conception.

For a long time **the lack of a conceptual dividing line between NATO and the ESDP** was not a central point of discussion either in Europe or in the USA. However, since both institutions have been endeavouring to adapt their military capabilities to meet the tasks of crisis management, the fact that there is no clear division of tasks and competence is becoming more and more a bone of contention. If genuine rivalry were to develop between NATO and the ESDP, lasting tensions would result, which is in the interest of neither the US nor the EU. But neither would doubling the security structures be an effective or feasible option for Europe, with its limited financial and military resources. It is therefore imperative that Member States should reach an agreement as to what NATO can and should do for Europe in the future, and which specific tasks should be the responsibility of the ESDP.

The United States are an indispensable partner for the EU in foreign and security policy.

Independent of NATO's future role, the United States will remain an indispensable partner for Europe in political and security matters. For the Union will only be able to achieve its strategic objectives – in particular the establishment of a peaceful world order based on multilateral cooperation instead of unilateral military power – if it recognizes the indisputable key role which the US play in global issues. This acceptance means **two challenges** for the EU:

1. the political and strategic dialogue with the USA must be revived and more firmly anchored institutionally than it has been up to now. This could, for example, be achieved either within the framework of NATO or in direct communication between the USA and the EU (a EU-US dialog was initiated in the early 1990s but has not come to play a significant role in transatlantic relations). The aim of this dialogue must be to specify common objectives and projects and to discuss differences in international issues in a constructive manner.
2. Europe must take the initiative and evolve its own cooperative solutions to questions of international security in order to prove the advantages and opportunities which a multilateral security policy would offer. Proactive moves on

the part of the EU, as in Iran, or the extensive economic, political and in the meantime even military involvement of the EU in the Balkans could serve as examples here.

In recent years the EU has undergone rapid development in the dimension of foreign and security policy. The innovations of the constitutional treaty and the security strategy described here give further important impetus to the development of the CFSP and the ESDP. However, in the long run European foreign and security policy will be successful only if the governments of the Member States are politically willing to tackle the challenges which Europe faces in unanimity and with strategic far-sightedness.

#### Internet links

A Secure Europe in a Better World. European Security Strategy. December 2003.

<http://ue.eu.int/pressdata/EN/reports/78367.pdf>

European Convention: Draft Treaty establishing a Constitution for Europe. June 2003.

<http://european-convention.eu.int/docs/Treaty/cv00850.en03.pdf>

The National Security Strategy of the United States of America. September 2002.

<http://www.whitehouse.gov/hsc/nss.pdf>



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Stefanie Flechtner

## **New Impulses in European Foreign and Security Policy: The Draft Constitution of the Convention and the European Security Strategy**

**R**arely have developments in European foreign and security policy been so inconsistent, but at the same time so dynamic, as in 2003. The Iraq crisis caused a deep schism within Europe. The public dispute between supporters and opponents of intervention in Iraq damaged the EU's international standing to a considerable degree. The Common Foreign and Security Policy (CFSP) seemed doomed to insignificance.

At the same time, however, the EU carried out for the first time crisis operations in Bosnia-Herzegovina, Macedonia and Congo under its own leadership. Although these missions received little acclaim from the public, they are the important first proof of the EU's Security and Defence Policy's (ESDP's) ability to function. Even more important is the reform debate which has evolved since the end of the Iraq war regarding the future of European foreign and security policy. At the centre of this discussion are the Draft Treaty establishing a Constitution for Europe and the European Security Strategy.

The Convention's Draft of the Constitution presented in June 2003 provides for various reforms within the CFSP and ESDP, in particular the introduction of a European Minister for Foreign Affairs and the possibility of "pioneers" in EU security policy. The European Security Strategy extends the reform debate by the question of the goals and principles of European foreign and security policy, which had up till then been neglected. The security doctrine is based on three strategic objectives: joint action against the threat to Europe by terrorism, weapons of mass destruction, regional conflicts, state failure and organised crime, the stabilisation of the EU's neighbouring states and the strengthening of a multi-lateral world order.

The proposals of the Convention and the European Security Strategy have provided the European debate on foreign policy with a decisive new impulse following the crippling months of the Iraq crisis. Putting them into action would mean the chance of a more coherent and more active European foreign and security policy. Nevertheless, in the foreseeable future the EU will still not speak with one voice in international matters. The CFSP will still only be successful in the future if the Member States reach a consensus in their attitude to the great challenges which Europe faces with regard to its foreign and security policy, and if they show political readiness to master these together.