

# A common European foreign policy after Iraq?

BRIAN CROWE

## **The genesis and present condition of the CFSP**

The EU's CFSP (the acronym for Common Foreign and Security Policy, more easily pronounced in the French equivalent PESC) became a reality only with the coming into force of the Maastricht Treaty at the end of 1993; the birth of the ESDP (European Security and Defence Policy) was even more recent, best dated from the European Council in Cologne in June 1999. That meeting first set out aims which were quantified and specified at the Helsinki European Council in December the same year. It also appointed Dr Javier Solana, formerly the Spanish foreign minister and more recently Secretary-General of NATO, to be the first High Representative for the CFSP, a post created by the Amsterdam Treaty of 1997.

What became the CFSP at Maastricht had up to then been EPC (European Political Cooperation), a process launched by the 1970 Luxembourg Report of the foreign ministers of the then Six, who decided on the need for intensified 'political cooperation' and 'in an initial phase the mechanism for harmonising their views on international affairs'. EPC developed gradually and pragmatically with meetings at official, ambassadorial (political director) and ministerial levels outside the formal structures of the European treaties—so much so that both the Foreign Affairs Council and the new European Council (heads of state and government, meeting first in 1975) met wearing two separate hats, 'in the Council of the Communities and in the context of Political Cooperation'; and on one occasion in 1975 the foreign ministers of the then Ten had, on French insistence, physically to move from Copenhagen, where they were meeting on EPC in the capital of the presidency, to Brussels in the capital of the European Communities to do their EC business.

Such impracticalities were gradually removed, notably in 1986 with the Single European Act. Although its main importance lay in creating the Single Market, the Act also brought the still informal European Council into the treaty structure with the objective, among others, 'to formulate and implement a European foreign policy'. Thus was EPC first indirectly mentioned in a treaty text. But it

was not until the Maastricht Treaty of 1992 that (along with the European Union) the CFSP was created within the treaty structure. Maastricht also introduced the concept of a common defence policy, possibly leading ultimately also to a common defence, and provided that the EU should have a military capability at its disposal through recourse to the entirely separate Western European Union (first founded in 1948, before NATO in 1949 effectively succeeded it as the basis for the defence of western Europe). The decision-making processes in CFSP remained unambiguously intergovernmental, with the Commission granted only 'full association', that is, a lesser status than that of member states; this distinction led to the hiving off of CFSP to a 'second pillar' in which different decision-making procedures applied from those in the first (Community/Treaty of Rome) pillar. Justice and Home Affairs, areas similarly subject to intergovernmental decision-making processes, made up the third pillar. The Amsterdam and Nice treaties continued the pillar system, but it now looks like being abolished in the treaty being prepared by Giscard d'Estaing's Convention on the Future of Europe.

The importance of the Amsterdam Treaty was that, besides adding a new and in the event unsuccessful form, Common Strategies, in which decisions could be taken, it created the new post of High Representative for the CFSP, marking the beginning of the recognition that an effective CFSP needed more coherence and possibly even leadership than could be provided by six-month rotating presidencies of varying quality and priorities. But the decision was controversial and so no decision or even guidance was given about the level or functions of the new post, other than that it was to be combined with that of the existing Secretary-General of the Council (but assisted by a new Deputy Secretary-General) and that it was to 'assist' the presidency and the Council: hardly a ringing or authoritative mandate. The main effect for the CFSP of the Nice Treaty in December 2000 was to give formal status to the EU's new Military Committee and the senior/ambassadorial-level Brussels-based Political and Security Committee (replacing the old capitals-based once-monthly Political Directors' Committee), which was to be responsible for the day-to-day management of the CFSP, with the possibility of decision-making authority being delegated to it from the ministerial level (the only level at which EU decisions are otherwise formally made in any of the pillars) for the control of military operations. The CFSP remained, and remains, an intergovernmental negotiating process in the charge of the six-monthly rotating presidency, with all the inefficiencies inherent in that.

Turning from this background to the CFSP as it now presents itself, the crisis leading up to war with Iraq seems to epitomize everything that is wrong with the practice and even the concept of a CFSP. Whether that will be the judgement when the dust has settled only time will tell, but it is possible to take a different view. The EU's failure to develop a common policy over Iraq, let alone influence events, has been latent for many years; it has been humiliatingly exposed only now because, until events forced the issue, it was deliberately

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never brought forward within the EU, either at ambassadorial (Committee of Permanent Representatives, Political and Security Committee) or at ministerial (Council of Ministers) level. There was intermittent superficial discussion and the occasional minimalist declaration to show that the EU was at least aware that there was an Iraqi problem. But the two EU member states that are also permanent members of the UN Security Council, the UK and France, made sure that the subject was reserved for handling only in New York at the UN. The other member states connived at their own irrelevance (and impotence) partly out of respect for the primacy of UN over EU obligations for Britain and France, but more particularly because they knew that any attempt to forge a common EU position on Iraq would be more damaging than helpful to a still fragile CFSP which was making real progress in other areas, notably the Balkans and even the Middle East.

It would have been absolutely remarkable if the EU had been able to formulate and actively to pursue a united policy that even the authors of the recent National Strategic Doctrine for the United States would have been hard put to ignore. Iraq was, after all, an issue which involved taking positions on, *inter alia*, the choice between war and peace, the legitimacy of military action, democratic control, the nature of the transatlantic relationship, the viability and future of the UN, stability in the whole Middle East region, and the effects on the world economy—all on top of the supposed points of departure, namely the war against terrorism and the attempt to stop proliferation of weapons of mass destruction. Above all it brought to the fore—and failed to answer—one of the perennially most difficult questions for European foreign policy: whether to accept the US leadership which has been the mainstay of the postwar world and work with it; or whether rather to develop an independent line even in opposition to the US. So it would be wrong to despair of the EU or its ambition to have an effective CFSP just because of Iraq, which at this stage of the CFSP's development was simply too tough a test.

The trouble is that Iraq is far from the only issue on which the CFSP has been tested and found wanting over time. Indeed, at the same January 2003 meeting of the General Affairs and External Relations Council at which Iraq was so divisive, ministers fell apart on so simple and hardly central an issue as whether the Zimbabwean President Robert Mugabe could be invited to a Franco-African summit (and subsequently an EU-African Summit in Portugal). This invitation was certainly precluded by the spirit of EU policy, and would have been by the letter too, had the decision imposing sanctions not literally just expired, one year on from its introduction. Since the situation in Zimbabwe in the meantime had only become worse, the failure to renew the sanctions in accordance with the EU's approach up to that point was hardly a marker of a consistent and thought-through CFSP. If the EU could not maintain a common approach even on Zimbabwe, what could be expected of it on Iraq, which raised far wider fundamental issues than human rights and good governance, the issues in Zimbabwe, if not (paradoxically) in Iraq?

It may be helpful to look further back, to a period when the CFSP had not even been formulated: to the then EC's policy towards the break-up of Yugoslavia in the early 1990s. Conventional wisdom now is extremely critical of the EC/EU's approach then—justifiably, if policy is judged by results. At the same time, the more muscular anti-Serb approach favoured by most critics, involving the threat and if necessary the use of military force, had absolutely no political backing at the time in any European country, let alone the United States). The rights and wrongs of that debate can now be left to the historians, the point here is that the EC/EU did have a common approach, however flawed it turned out to be. This manifested itself in different ways at different stages, through high-profile international statesmen (Lord Carrington, Lord Owen, Carl Bildt) seeking to promote peace and a series of political settlements, while the EU worked hand-in-glove with the UN, with member states supplying a considerable number of troops to the UN protection force, UNPROFOR, to safeguard humanitarian assistance.

The policy was ultimately unsuccessful, perhaps inevitably (although this was not necessarily evident at the time), and was superseded by the intervention and leadership of the United States, leading to the Dayton settlement in 1995 and ultimately the Kosovo conflict. Be that as it may, not only did the EC/EU have a common policy over the break-up of Yugoslavia, it had one based on the deliberate suppression by a large number of member states (including several major ones) of their own strongly held views, precisely *in order that* the EC/EU should have a common policy. Paradoxically, in the one clear example of member states giving a higher priority to the fact than to the content of a controversial common policy, it was the majority which rallied to the opinion of the minority: Germany managed to force its reluctant partners to acquiesce in the recognition of Croatia, contrary to the common approach of the time (namely, that none of the emerging former Yugoslav republics should be internationally recognized until they had agreed among themselves at the Carrington-chaired Hague conference on post-recognition arrangements).

### **Why have a CFSP?**

The purpose of this somewhat historical introduction is to demonstrate both that it is possible for the EU to arrive at common policies in fraught situations and to sustain them through difficult challenges, and that there is precedent for member states to suppress their own strongly held views in order to arrive at a common view: in other words, for member states to accept that having a common policy is itself the highest priority.

A number of factors made this impossible over Iraq: the decision between war and peace was certainly one. But another fundamental difference was that over Yugoslavia the United States deliberately backed off and left things to Europe. It was arguably the interaction (even, indeed, clash) of European and US interests and objectives over Iraq, and the conflicts of loyalties and priorities to which this gave rise, that proved a test too far for the CFSP.

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There are no obvious prescriptions for resolving such conflicts, which give rise to the most atavistic of impulses among Europeans. Indeed, the question arises—not entirely hypothetically for some people, at least in the UK—whether in such circumstances the EU should even try to have a CFSP. And yet there can surely be no denying that a Europe able to act of one accord will carry more weight, whether with the United States or others, than a Europe composed of individual states acting independently. It is to a great extent an illusion to think that individual European countries can influence the big issues representing only themselves. The case of the UK over Iraq is the exception that proves the rule. The UK could change the course of events in Sierra Leone, but not in the Balkans or Middle East. It arguably made an important difference in getting the Bush administration to work through the UN on Iraq, but the limits on that influence have also been painfully clear: the UK has had to side wholeheartedly with the United States, with no attempt to deflect it from its objectives or the means of achieving them (military action if necessary, unilaterally if necessary, to disarm Iraq of WMD even in the absence of specific UN authorization). This is not necessarily a criticism, not only because somebody—and, sadly, if not the UK, then who?—has to share burdens with a United States sharing the values and objectives of the democratic community of nations, but also because of the importance of avoiding deep splits and eventual crises in the transatlantic security relationship as well as in the whole multilateral system. But an effective EU, sharing the responsibility as well as the burden, would be much more effective in this role than any single European actor. Shifting coalitions of individual European states are no substitute, since it is the EU which alone can provide the glue to keep them together, and combine the resources (in population, total GDP, GDP per capita, and industrial, technological and other strengths) to give muscle to European efforts.

But a CFSP that works only when following a US lead is a fair-weather CFSP, and something more robust, fit for fouler weather, is going to be necessary. This is not to say that the EU should set out to be in opposition to the United States, with which EU countries generally share a now long-standing and solid history of common values and objectives; yet its common stance should be robust enough to ensure that the United States cannot simply dismiss it and the European views underlying it. US leadership is inescapable, and indeed necessary and desirable; but the EU needs to carry enough weight to ensure that the United States sees its own interest in that leadership being shared and not just imposed.

In full recognition that it is the issues that matter, the remainder of this article leaves the high ground of policy and focuses more closely on questions of process. For, while no amount of attention to process can ensure success without the political will to act together and to act effectively, getting the process right will be vital in helping the current 15, let alone the imminent 25 or more, member states to arrive at and sustain common policies.

Will the EU and its member states find the means, not only in terms of resources but also in terms of institutional arrangements and political will, to

achieve their proclaimed ends? The jury is still out; it remains to be seen whether the the EU will pick itself up from the Iraq debacle and whether as a consequence the Convention on the Future of Europe and the subsequent intergovernmental conference will provide the answers.

The CFSP started only with the coming into force of the Maastricht Treaty at the end of 1993, ESDP even more recently, with the Cologne European Council in June 1999 an important turning point. After the failure of the EC/EU's Balkan policies in the first half of the 1990s, discussed above, the galvanizing factor in its deliberations for both was the outcome of events in Kosovo: the recognition that it took the United States to frighten Milosevic, accompanied by the conviction that Europeans should surely have this capability for themselves and be better able to bring it to bear, both so as not to be so wholly reliant on the United States and to enable Europe to act in cases where the United States would not want to be involved.

### **Two major decisions: ESDP and High Representative for CFSP**

In the heightened tension of the time, the idea prevalent at the Amsterdam European Council in June 1997, that the post of High Representative (HR) for the CFSP created in the Amsterdam Treaty should be filled at senior official/ambassadorial or junior ministerial level, lost favour. The need for a high-profile politician who could provide leadership was recognized, and with that shift came the choice of Javier Solana. These two decisions, on the need for an ESDP and the appointment of Solana, and the way they have evolved, have been critical to the subsequent development and the future of CFSP. The remainder of this article will therefore focus on these choices, in full recognition that this means leaving to one side the vast and generally successful reach of the EC/EU's external relations policies over the years, much of which long predates the CFSP. Among other things, the EU's enlargement, not least the current one to the east, the development of a new strategic relationship with Russia, the Euromed/Barcelona process with its accompanying association agreements, the network of other association and cooperation agreements, and the Lomé/Cotonou conventions, not to mention the EU's role in multilateral trade negotiations and many other manifestations of a near-global reach are also crucial to the EU's role in the world and as a foreign policy actor. Indeed, they constitute wide-ranging instruments for the exercise of 'soft power', a vital European contribution to international peace, security and stability—and a contribution, indeed, which the United States needs too in the pursuit of long-standing 'Western' objectives. This complementarity of EU and US instruments and capabilities needs to be better recognized in Washington than it appears to be now. But while in a sense harnessed to CFSP, these instruments of 'soft' power are not CFSP, which has a rather limited definition in the Treaty on European Union, and so they are assumed rather than discussed further here.

## **ESDP**

To begin with the ESDP, the easy part has been achieved: establishing the headline goal, the requirements for meeting it, the resources already available to do so, the consequent gaps to be filled, and of course the structures to manage all this, at both the military and policy levels—EU Military Committee, EU Military Staff, meetings of defence ministers; Political and Security Committee, politico-military structures in the Council Secretariat.

Nor should the non-military/civil side be forgotten. This took off under strong Swedish pressure and notably in their presidency in the first half of 2001, with headline goals also established for police and the rule of law (judges, administrative capacity, etc.). Indeed, the EU police operation launched in Bosnia in January 2003 to take over from the UN was both the first ESDP operation to be decided on after the ESDP was declared operational at the Laeken European Council in December 2001, and the first to take place. With the deadlock over Turkish participation in ESDP and the linked issue of EU access to NATO assets (the so-called ‘Berlin plus’ arrangements) ended at the Copenhagen European Council in December 2002, the Bosnia police operation is being followed by the EU taking over NATO’s small military operation (Allied Harmony) in the Former Yugoslav Republic of Macedonia (FYROM) in support of the EU-brokered political settlement there.

The big issue remains that of capabilities: will the member states rise to the challenge of producing genuinely mobile and effective corps-level intervention forces (60,000 troops), sustainable for at least a year, with appropriate air and naval support in addition, if not by the target date of 2003, at least in the foreseeable future? This is a question affecting not just the EU, but also NATO. What is at issue here is whether any kind of effective European military capability can be established, whether used in NATO or by the EU in ESDP, with or without recourse to NATO assets. One of the main justifications for developing this European capability in the EU rather than in NATO (although that pass had actually already been sold by the brief and inglorious resurrection of the WEU as, in effect, the military arm of the EU) was that member states would make an effort for Europe which they would not make for NATO. It has to be said that that effort has not yet been evident; indeed, the evidence is rather to the contrary, with defence budgets in most European countries at best static or even declining from levels already low by US standards. At the same time, the challenge of the war against terrorism, which President Bush has repeatedly pressed on European leaders, for example during his visit to Europe in the summer of 2002, was met by a very far-reaching NATO communiqué at the NATO Ministerial in Reykjavik in May 2002, in words which were repeated by NATO Heads of State and Government in Prague in November the same year: ‘NATO must be able to field forces that can move quickly to *wherever they are needed*, sustain operations over distance and time and achieve their objectives. This will require the development of new and balanced capabilities within the alliance,

including strategic lift and modern strike capabilities so that NATO can more effectively respond *collectively to any* threat of aggression against a member state' (emphasis added). NATO's Prague summit also decided to establish a highly mobile and capable rapid response force (RRF) for short-notice, high-intensity operations. So the Europeans have accepted a commitment to develop new military capabilities in both NATO and ESDP, allowing for a considerable choice of instruments for the threat or use of military force anywhere in the world, through NATO or through the EU, with or without recourse to NATO assets.

If—and it remains a big if—the resources are made available both for ESDP and for the NATO RRF, there will then be a challenge for both the United States and the Europeans: for the United States, to make good on the implied commitment of President Bush actually to have recourse to NATO for military operations out of area, rather than to US-led ad hoc coalitions of individual willing European and other countries; for the Europeans, over choice of forum for operations not involving the United States directly, like Allied Harmony in FYROM, a NATO operation without US troops. The natural choice for 'European' reasons, i.e. so that the EU should be visible and receive the credit, will be ESDP whenever the United States does not want to be involved. A possible division of tasks, all going well, might see NATO as the instrument of choice for the United States and Europe where military action with US involvement might be needed. Upstream of this there will, taking a realistic view, be some situations (e.g. Iraq and, before that, Afghanistan) in which the United States may prefer to rely on itself and chosen partners—but these should be as few as possible or the whole construct will be undermined. Downstream, where the EU has strong interests but the United States does not, the EU would be the instrument of choice, assisted by other like-minded countries under EU leadership.

The ability to mount military missions requires not only a shift in member states' budgetary and indeed social priorities (difficult enough), but also the political will to threaten and if necessary to undertake military action, and to take the necessary decisions associated with that action collectively. The signs are that this will cannot be taken for granted. It is striking that whereas the rhetoric in the top EU fora only three years ago was couched, at least by implication, in terms of power projection (the 'frighten Milosevic' factor) and the use or threat of force for political objectives, it is now all about crisis management and conflict prevention. The succession to Allied Harmony in FYROM falls clearly into this category, involving as it does the deployment of considerably fewer than 500 troops. And it is disturbing that concerns about compatibility between European commitments to a 60,000-man corps-level operation in ESDP and to a 20,000-man RRF in NATO were met by assertions, among others by the foreign minister of Belgium, that there was no problem: NATO was for war-fighting, the EU for, in effect, lower-end 'Petersberg tasks' including peacekeeping, but presumably not peacemaking. This is not where we came in.

### **The High Representative**

Thus we arrive at the controversial issue of how foreign policy is constructed and implemented. The EU does not and cannot have the advantage of a single head of government, as do most states, nor that of a predominant power that is the natural leader, as NATO does in the United States. Attempts in the EU, implicit or open, to remedy this deficiency, most prominently by some of the larger countries working together with outside powers, notably the United States, have created well-known problems and resentments. The insistence, which marks discussions in the EU at all levels, on asserting the equality, and the right to an equal say, of all member states, no matter what their own individual contribution might be, is a handicap to effective decisions and action

It is a handicap which urgently needs to be overcome. For what it has led to is a disjunction between what happens in Brussels and what happens in the real world. The theory is that the Political and Security Committee (PSC), meeting frequently, and the Council, meeting once a month, share information and assessments, discuss options, take decisions and ensure implementation. But this is not what really happens. The wheels spin in Brussels, discussions take place in the PSC and conclusions are reached by the Council to provide the appearance of policy formation and implementation. But what makes the EU an effective foreign policy actor (to the extent that—up to the Iraq crisis, at least—it increasingly was), that is, one influencing outcomes and taken seriously by other players, is not what the PSC discusses or thinks; it is, rather, the willingness and ability of a senior individual to get stuck in on its behalf, in close contact with other key players (normally selected states in and outside the EU), with a rather light rein from Brussels. Where the EU has been a successful foreign policy player, in the Balkans and even the Middle East, it has been so increasingly through investing trust in Javier Solana, in close contact outside Brussels with a handful of leading countries (some within, some outside the EU), to take the initiative and press ahead within a framework which he has worked up with other key players and for which he gets the Council's endorsement once a month. Nor is this an entirely new pattern: as discussed above, in the early 1990s, up to Dayton—before the CFSP even existed—the EC had a Bosnian policy (for better or worse) because it had in David Owen somebody to whom it had entrusted the leading role; in effect, a John the Baptist to Javier Solana.

Arriving at this still far from complete achievement of an empowered High Representative has not been at all easy, either for Solana himself or for the Council, and especially not for the successive holders of the rotating presidency. Widespread perceptions to the contrary notwithstanding, the problem has not been his relations with the Commission, let alone with Chris Patten. This is not to deny that there are tensions over turf between Council and Commission, but only to say that these are skirmishes, and in any case not peculiar to foreign policy. The real tension has come with member states in the Council, and particularly with the presidency.

This is because the presidency is charged under the Maastricht/Amsterdam treaties with the management of the CFSP, while the HR's treaty role is only to assist the presidency; in other words, he has no authority of his own. For the first eighteen months of his tenure, Solana was given little scope by the presidency (even in the area assumed by outsiders to be his greatest strength, namely the ESDP). This started to change only gradually, as the Council increasingly looked to Solana, acting on behalf of the EU, to encourage the democratic opposition and civil society in Serbia to get their act together against Milosevic (a project on which he worked closely with Chris Patten in supplying political and practical assistance). From this beginning, Solana developed over the following months a leading role first in the South Serbian/Presevo Valley crisis in cooperation with NATO and then in, successively, the FYROM and Montenegrin crises.

This progress was paralleled by a comparable breakthrough over the EU's approach to the Middle East, an area which successive holders of the presidency kept jealously to themselves, to the extent that the bigger European players allowed them to. Indeed, in this area it was neither the presidency (in French hands in 1999) nor the member states that pushed Solana forward, but rather a direct invitation to him from the Egyptian president to attend the Sharm el-Sheikh summit, with the EU presidency included in his entourage only at official level. This gave Solana a route into the heart of the process, but sadly successive presidencies have not been ready to stand back and give him room to exploit it. For example, rather than leave to Solana a mission on the Middle East to Washington mandated by the Laeken European Council in December 2001, PM Verhofstadt of Belgium holding the presidency insisted at the last moment on taking over, changing the nature of the visit and undermining its usefulness. Likewise, it was Solana who was invited by UN Secretary-General Kofi Annan in early 2002 to represent the EU in the Quartet on the Middle East; and yet again successive presidency foreign ministers lost no time in muscling in.

Thus Solana's role, while increasing, has been somewhat chequered, expanding incrementally and against rather than with Brussels; nevertheless, this needs to be the shape of things to come. Just as the HR's role hitherto has developed despite rather than within the Brussels system, so the trick now will be to bring what happens in Brussels into line with what is needed to bring about effective action in reality, and to systematize the resulting arrangements, both to give them legitimacy in the eyes of all member states—which is not necessarily the case now—and to stabilize them for Solana's successor, if not for Solana himself (whose style of working, highly effective as it is, is very personal and relies little on structural or institutional underpinning). If Solana's achievements are not underpinned by such institutionalization by the time he leaves the post, this will represent failure. It will not be easy, because it is not the way he likes to work. But a start has been made in the creation in the Directorate General for External and Politico-Military Affairs of the structures to help Solana as well as the Council and presidency to manage the ESDP.

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In Brussels there is now pretty general recognition that neither the Council nor the rotating presidency is working properly, not least in the field of external relations. The competitiveness and short tenure of six-monthly presidencies lead to constantly changing priorities (the ‘Northern Dimension’ for six months, then the Mediterranean) and harmful, short-term oneupmanship for the benefit of domestic audiences (for example, intruding on action best left to the High Representative, in which he is in any case the preferred interlocutor of other parties like the United States—as in the Middle Eastern examples cited above). The ineffectiveness of the General Affairs Council in coordinating all Council activity as well as running foreign policy was recognized at the European Council in Seville in June 2002, when the GAC was reorganized into two parts, respectively for general affairs (i.e. coordination of the EU’s work) and external relations and rechristened the General Affairs and External Relations Council. But the two parts still meet back-to-back as the same Council, thus illustrating the reluctance of ministers to effect real and needed reforms when their own narrow interests are involved. The present reluctance of some, against all the evidence, to see the end of the rotating presidency in charge of EU business is another example of interests taking precedence over effectiveness.

### **Ideas for the future**

Big ideas have been emerging in the Convention on the Future of Europe (notably in December 2002, in the reports of the working groups on ‘external action’ and defence, and in January 2003, in the much-discussed Franco-German paper on the governance of Europe), on how to remedy these weaknesses, as well as others which go much wider than the effective conduct of the CFSP.

The salient points of the reports on external action and on defence were that the HR should be entrusted with a great deal more authority in the CFSP and ESDP, including chairing the Council. The idea of better synergy between him and a still separate Commissioner for External Relations was rejected as insufficient by most participants, as was the amalgamation of their jobs. Instead, a hybrid solution was recommended, in which the functions would be kept separate and accountable respectively to the Council or Commission, according to subject matter, but would be discharged by the same individual, supported by a unified staff and overseas diplomatic missions.

The ideas in the Franco-German paper, broadly followed also in a Spanish–UK contribution on the EU’s institutions at the end of February 2003, went further: in addition to adopting the idea of a single EU foreign minister with separate responsibilities to the Council and to the Commission, it proposed a dual presidential system: a new President of the European Council appointed by them for two and a half or five years, alongside the existing President of the Commission, whose position would be ‘strengthened’ by being chosen by the European Parliament.

At the time of writing the outcome of this process lies in the future: the ideas have to find their way into the report of the convention in June and then be winnowed through the following intergovernmental conference before finding their reflection in a new treaty, so there is a long way to go. But it is important to dwell on a few points that will affect the future of the CFSP.

First, we should welcome the virtual consensus that something pretty drastic has to be done, and that this must take the form of substantially empowering the High Representative to speak, negotiate and act for the EU, always under the control of the member states through the Council, but nonetheless with considerable authority of his own. In this context, if there were no other considerations, it would matter little if the PSC remained a weak, even ineffectual, body. If it did what the member states originally intended it to do, namely act as the forum for the day-to-day management of the CFSP, it would in practice be a nit-picking constraint on the HR, inhibiting and slowing down effective action by the EU. It does just fine as a drafter of texts, preparer of Council discussions and stock-taking mechanism. Its authority will in fact increase following the coming into effect in February 2003 of the Nice Treaty, under which the PSC can be empowered to exercise delegated decision-making authority for managing ESDP operations. As a result of wider reform of the Council and the committees servicing it, it is not inconceivable that the present Political and Security Committee could take over from the Committee of Permanent Representatives the entire servicing of the External Relations Council. But whatever happens as a result of wider institutional reform, the PSC should not succeed in becoming the directing mechanism for the High Representative. Real life requires him to deal directly with ministers in the Council, and more informally, even unattributably, with particular ministers between Councils.

With regard to other reforms now on the table in the convention, if the key problem has been—as argued above—not the relationship between High Representative and Commission, but that between High Representative and presidency, then combining the Commission's external relations portfolio and the High Representative's functions in a single person, possibly responsible to two masters, addresses a phoney problem. This 'solution' has, however, become the received wisdom and now has a lot of steam behind it. If it is to be adopted, it needs to be done in a way which does not set up other, worse conflicts. A number of questions need to be answered. Does one person really have the capacity to take on two such full-time jobs and do credit to them both? Can Council and Commission hierarchical responsibilities really be separated in practice? Where will staff be located? Can they combine servicing the Council with the rather different needs of servicing the Commission? All this, and much else, needs thinking through.

So do the hierarchical relationships inherent in the Franco-German proposal. These provide, *inter alia*, for separate Presidents of the European Council and the Commission, with the President of the European Council also having external relations functions, as well as for an EU foreign minister (combining the Commission and High Representative functions) chairing and accountable to the

### *A common European foreign policy after Iraq?*

Council. Is this EU foreign minister to be at the other end of Henry Kissinger's famous phone line, or is that person to be the new President of the European Council? How are the two to collaborate and share functions? Will they share the same staff, or will new bureaucracies proliferate with competing interests? What else, apart from foreign policy, will this presumably full-time President of the European Council actually do when he or she is not chairing the quarterly European Councils, given that on the whole the Commission has the responsibility for following up most European Council decisions? If foreign policy is going to be the European Council President's speciality, are we going to get sufficiently high-calibre successors to Solana as High Representative? And if the President of the European Commission is beholden to the European Parliament, are Commission–Council relations not going to run the risks of cohabitation? If there is to be a President of the European Council, maybe it would be a better idea to combine the High Representative with this post, rather than with that of the Commissioner for External Relations. Such difficulties as there have been between High Representative and Commission could be addressed by provisions for better synergy between them (High Representative attending Commission meetings, implants in each other's offices, etc.); more generous resources in terms of personnel, money and use of diplomatic missions abroad (of which, in practice, the Commission's delegations already provide the nucleus); and deputies able to stand in for the High Representative and chair, for example, the Political and Security Committee. All this would really give Henry Kissinger, and also George W. Bush, a worthwhile European interlocutor.

But no amount of institution-mongering, messing around with qualified majority voting, constructive abstention or reinforced cooperation will in the end have any noticeable practical effect unless EU arrangements reflect power realities. Europe is a Europe of equals: that is axiomatic, almost a truism. And yet, like so many truisms, it hides a truth which, if ignored, will vitiate, or at best distort, the goal that is being pursued, in this case common foreign and security policies. A Europe of 25 will consist largely of countries for which foreign policy has traditionally meant little more than their immediate security and relations with neighbours and, when they lift their eyes beyond that, doing good, mainly through the UN, to the best of their ability. Consequently it becomes a problem for the EU as a whole to think strategically about the uses of power in the way that only a minority of its members, mostly those with a global or imperial tradition, still do. The difference is hardly surprising: many Europeans have been the victims of the abuse of power by others and are not much in favour of seeing it wielded. But this does make it more difficult for Europeans to match up to our own aspirations to equal partnership with the United States.

### **Responsibilities of small and large countries**

The assertion that all member states are equal in status, built into the Union, risks being pushed to extremes in the foreign policy arena, whether through the

‘communitarization’ of the CFSP or the use of QMV in all circumstances, in the name of assuring the interests of the small member states. The resulting policy would tend towards the parochial and/or rhetorical, to the detriment of the practical and the strategic. The EU could not expect then to be taken seriously as a partner by the United States, or indeed anybody else of significance. If that were to happen, the CFSP could be doomed to perpetual ineffectiveness, thereby ensuring that the large member states conducted their major policies outside the EU—inevitably less effectively than if they acted together, as the Iraq crisis has shown.

There is therefore a need to recognize that, while all member states are equal, some naturally contribute more than others, and take more of the burden and the risk, whether in political clout, financial resources or military capability. This is a highly sensitive area, and it may be too difficult to formalize; the important thing is that the HR/President of the European Council, in whatever combination is eventually decided, should be able to work in closer contact, as he or she inevitably must to be effective, with key players, under an umbrella of the 15/25. But some way, formal or informal, needs to be found to calibrate the weight in decision-making of individual member states with their contribution and comparative advantage—constructive abstention comes to mind, and/or some system of ‘differentiation’ or ‘entry fee’ (you influence to the extent that you contribute). At the same time we need to maintain the solidarity of the whole EU behind a common policy, backed also by worthwhile military capabilities that are usable to project power as well as to keep the peace.

Finally, the larger powers need to do much better—over the Iraqs as well as over the Zimbabwes of this world—at taking a common line. It would be blind to dismiss the possibility—at the time of writing—that the Iraqi crisis has brutally exposed the fault lines which have always been present between what for convenience might be called the atlanticist and the Gaullist attitudes to Europe’s relationship with the US and thus to Europe’s preferred role in the world. Iraq may have indeed entrenched them irremediably at least in the short term. Much may depend on the way both the war and then the peace in Iraq turn out, and the effect this has on the sway which the present right-wing protagonists of US primacy and unilateralism hold over US policy. However, one lesson from the EU’s debacle over Iraq is that the approaches to influencing the United States of both the atlanticist UK and Gaullist France (and their respective camps) are both ineffective. Together, on the other hand, within a common EU approach worked out with the High Representative, they would be much more difficult for the United States to ignore.

Given the split in Europe now on Iraq, it is going to be tough to achieve this. But if Europe really wants what it says it wants—a major voice in world affairs—this is what is necessary to escape a CFSP which is merely the lowest common denominator and to aspire to one which is the highest common factor among all 15, soon to be 25 and more member states.