

XXVTH SESSION OF THE ASSER INSTITUTE COLLOQUIUM ON EUROPEAN LAW  
"THE TREATY ON EUROPEAN UNION - SUGGESTIONS FOR REVISION"  
THE HAGUE, 16 SEPTEMBER 1995

422.32  
441.5

Common Foreign and Security Policy - Comment on the report by Dr W.F. van Eekelen

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1. THE "FINALITÉ POLITIQUE" OF THE EUROPEAN INTEGRATION PROCESS

The process of European integration was from the outset conceived as a *political* and not just an *economic* exercise. The preamble of the ECSC Treaty of 1951 explicitly refers to the prevention of war among participating states as its underlying purpose and against this background it was logical that the integration process started with the coal and steel sectors given their strategic importance as raw materials for classical warfare. The ECSC should logically have been followed by a European Defence and a European Political Community and it was only after their failure in August 1954 that economic integration took the lead again with the Treaties of Rome in 1957. The political ambition however was never forgotten - the "Fouchet plans" of the 1960s, the establishment of the European Political Cooperation (EPC) in the early 70s, the Tindemans report of 1975, the 1983 "Solemn Declaration on European Union", initiated by Foreign Ministers Genscher and Colombo, and the 1987 Single European Act with the institutionalisation of EPC bear witness thereof.

The Maastricht Treaty, which entered into force in November 1993, is the first comprehensive attempt to accommodate economic integration and cooperation in diplomacy and security within a single institutional framework. However, the Treaty explicitly recognizes the unfinished character of a complex compromise between fundamentally divergent concepts in the area of CFSP by stipulating that there should be an intergovernmental conference (IGC) in 1996. The need for further substantial progress in CFSP is therefore at the heart of the forthcoming IGC. In fact, the IGC is about three issues : to finish the work of Maastricht; to bring the European construction closer to the citizen and to prepare the European Union for a major enlargement

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process notably towards central and eastern Europe.

The ability of Europe to jointly defend its common interests as an actor on the international scene has always been considered the very cornerstone of political union, much as the single market and single currency are the foundations of economic and monetary union. Political union will not be complete without a *common* foreign and security policy which merits this name.

## 2. THE MAASTRICHT TREATY'S TERMS OF REFERENCE FOR FURTHER REFORM

As far as any future revision is concerned, it is important to recall that the Treaty itself not only indicates the point of departure but also the direction for reform. First, according to Article B, the revision of the intergovernmental components of the Treaty which include CFSP must aim at reinforcing the "acquis communautaire", not the opposite. Indeed, this article defines as an objective of the Union "to maintain in full the acquis communautaire and build on it with a view to considering, through the procedure referred to in Article N(2), to what extent the policies and forms of cooperation introduced by this Treaty may need to be revised with the aim of ensuring the effectiveness of the mechanisms and institutions of the Community". Secondly, Article C is another central provision in this respect, with two basic components: the single institutional framework and the notion of global action in the field of foreign policy. As to the single institutional framework, Article C states that : "the Union shall be served by a single institutional framework which shall ensure the consistency and the continuity of the activities carried out in order to attain its objectives while respecting and building upon the acquis communautaire". Moreover, Article C advocates coherent and global action by stipulating that : "the Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies". Thirdly, Article J 4 brings the so far excluded military aspects of security into the orbit of the Union Institutions by stating that : "the common foreign and security policy shall include the questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence" and including WEU as an "integral part of the development of the Union". In doing so, Article J.4 applies a familiar method of the integration process by mapping out two further stages, the definition of "defence policy" leading to "common defence" and by taking recourse to the time factor, another characteristic tool aiming at creating the necessary dynamics

of the unification process. Indeed, the possibility for WEU member States to abrogate the Brussels Treaty by 1998 was very much present in the mind of those who included the 1996 deadline into the Maastricht Treaty.

3. THE NEED FOR THE EUROPEAN UNION TO FORCEFULLY ARTICULATE THE COMMON INTERESTS OF ITS MEMBER STATES

The 1991 IGC took place against the background of the Community digesting the lessons of the Gulf War. The 1996 IGC will have to draw painful conclusions from four years of the European Union's unsuccessful efforts in trying to get a grip on the drama in former Yugoslavia. Meanwhile the effects of the 1989 implosion of the Communist system and the changed geopolitical landscape in Europe as a consequence of German unification are also becoming clearer : after 40 years of deepening the integration process in the Western part of the continent the major challenge now consists in unifying the greater Europe -the "Europe whole and free", to use a post 1989 slogan.

The pursuit of any foreign policy is based on a clear awareness of one's interests and objectives and the preparedness to defend and promote them through appropriate means of action. At European Union level this is already largely the case in the field of external economic relations where the Community institutions with the Commission acting as the executive body on the basis of policies and mandates agreed upon by the Council. However, diplomacy and defence continue to be dominated by the perception of the larger Member States in particular that the pursuit of national interests should be given priority over common action. There is, I believe no logical reason why the Monnet method so successfully initiated in the Fifties could not be applied to the conduct of foreign affairs. Walter Hallstein in his 1969 Memories entitled "Der unvollendete Bundesstaat" concluded that although it should be easier, technically, to unify foreign policy rather than such complex matters like fiscal or social affairs, the truth of the matter was that the "emotional hurdle" separating Member States in foreign policy was more difficult to overcome. Progress must therefore be sought by convincing Member States that it is in their well understood national interest to join their combined influence on the international scene by identifying common interests in a number of key areas of foreign and security policy and providing the necessary means for effective joint action in these areas. There will be no genuine common foreign policy if Member States are not convinced that national and common interest coincide on given matters

to be defined collectively.

Such common interests have become even more apparent against the background of the new challenges since the fall of the Berlin Wall in 1989. With the end of the east-west divide political and economic systems based on the "Western" values of democracy and human rights have also been established in Central and Eastern Europe. However, new risks and uncertainties have arisen, ranging from the revival of old conflicts over borders and minorities to cross-border organised crime, uncontrolled migration or nuclear smuggling. They are of concern for the European Union as a whole, not only as a danger to its own political and economic stability but as a challenge to its role as the key political actor on the European scene. Thus in its own interest the Union has to take the lead on reshaping the continent's political landscape with a view to safeguarding long-term stability throughout Europe. That includes the grand design of enlargement to the East which in turn requires the Union to adapt its own structures. Linked to the building of a new all-European political architecture is the broadening and revitalisation of transatlantic relations, and a clearer strengthened European role in NATO, which like the EU is faced with the challenge of enlargement, and a redefinition of the EU/WEU relationship. The political and economic future of the Mediterranean region which is threatened by growing social problems, furthering the rise of Islamic fundamentalism, is another issue of direct concern to the Union. Furthermore, the ongoing process of political, economic and cultural globalisation makes it necessary for the Union to play a more active role in the promotion of human rights and democracy, values which all Europeans regard as a prerequisite for a lasting peace and security worldwide.

The Maastricht Treaty had been designed to give the European Union the instruments to meet these challenges by developing the *acquis* of EPC into CFSP. However, the experience of the European Union's policy towards the former Yugoslavia has made amply clear that it is the dose of political will and not so much the perfection of legal instruments and procedures which determine success in foreign policies. The Contact group on ex-Yugoslavia is a clear example of three major Member States ultimately pursuing their own path in the absence of more effective common action by the Union for which, however, they bear themselves a major share of responsibility. As a result, instead of achieving greater unity the inadequate use of the instruments available under the Maastricht Treaty has further eroded, rather than strengthened, the basis for reform. It is to be feared that the contact group model which might claim legitimacy in what was

an exceptional and clearly circumscribed situation has revived traditional "big power" attitudes which together with the further enlargement of the Union and the growing heterogeneity of its membership affect the normal working of Union procedures like an old disease, nearly eradicated, creepingly returns and weakens a still fragile body.

It is therefore not surprising that the reports submitted by Commission, Council and Parliament to the Reflection Group, which has been mandated to prepare the IGC, all agree that CFSP has not worked satisfactorily. In its interim report, the Reflection Group points to shortcomings in the operation of CFSP and states a lack of overall consistency in coping with the new challenges in Europe. Yet quite significantly opinions differ regarding the causes of these shortcomings. Running-in period difficulties, structural deficits, mirrored in a mismatch between ambitious objectives and insufficient use of instruments and, above all, lack of political will, are jointly or individually offered as explanations.

#### 4. KEY ELEMENTS FOR CFSP REFORM

The need for consistency and efficiency obviously calls for more unity rather than additional fragmentation. The consolidation of the "pillar" structure and the insistence by some on even stronger separation between several distinct decision making frameworks, clearly contradicts the objective of one common policy for the one European Union. There is no place for three separate economic, diplomatic and security policies conducted by different sets of procedures if Member States are serious about one global action and one single voice of the Union in world affairs; and there is no place for two Unions (EU "back to back" with WEU) composed of essentially the same Member States, if the aim is to organise comprehensive solidarity in the framework of one Union with a "finalité politique". The present pillar structure of the Maastricht Treaty reflects the unfinished character of the 1991 compromise; it is not an objective in itself. To solidify the pillar construction and, worse, to add yet another pillar for security and defence matters instead of invigorating the dynamism of the unification process whose main source is the Community complemented but not substituted by intergovernmental cooperation would create the serious risk for the citizen failing "to see the Union for the pillars" as there is sometimes the danger of one's "not seeing the wood for the trees". The result would be an even more complex structure, less transparent and hardly explainable to the citizen, unimpressive from the perspective of third

countries and allowing Member States to choose "à la carte" their individual menu from the poorly filled shelves of what would remain essentially a "common market".

Referring back to the already mentioned Monnet method it would seem to me that a combination of five elements could avoid future disintegration and open the way for reform

- (a) an agreement by Member States on an initial limited number of key foreign policy priorities where the commitment to pursue the common interest would take priority over individual action,
- (b) the creation of a common capacity for the collection of information and the analysis of policy options,
- (c) the strengthening of the capacity for decision making,
- (d) a more visible capacity for implementing decisions and
- (e) the organisation of operational means in the area of security and defence.

(a) *Priority areas for the conduct of a common foreign and security policy of the Union*

While the Union obviously has global interests and responsibilities in international affairs given its economic weight, its number one position in world trade, its share in official development assistance and the traditional links of its member states with countries of all continents it would be a wrong perception to envisage the development of CFSP in a way which would tend to substitute all aspects of member states bilateral relations by common Union policy. CFSP must therefore be given substance gradually starting with the most obvious foreign policy priorities for which member states more readily agree that it is in their national interest to act in common.

A first and of course not exhaustive selection of geographic and thematic priority areas must comprise

- the shaping of the Union's relations with the rest of Europe (central, eastern and south-eastern Europe) in the perspective of eventual enlargement,
- partnership with Russia, Ukraine and the other countries of the former Soviet Union,

- the Union's role in an overall European security architecture.
- the relationship with the southern and eastern Mediterranean.
- the future development of transatlantic links in line with the Union's own evolution.
- the respect for human rights and the strengthening of democracy world wide.
- the articulation of the Union's role in international organisations.

The pursuit of common policies in these areas should be enshrined at the highest level of commitment, e.g. by inserting these priorities into the revised treaty and charging the European Council to define and revise policy guidelines at regular intervals.

(b) *A planning and analysis capacity*

The striking gap between the important political challenges facing the Union and the poor political substance of the CFSP at present points at the need to specify and define "common interests" in more detail in order to make them operative in concrete actions. There is also a need for better understanding of the necessity of acting in common which could help overcome a lack of political will, at least in certain cases. EU institutions and Member States all seem to support the establishment of a *common planning and analysis* capacity to prepare CFSP decisions. We need a common service in which Member States, WEU and the Commission work together analysing shared information, common interests and those elements which will allow the development of a common foreign policy. In order to respect the Union's carefully balanced institutional framework and avoid the creation of a new bureaucracy, this common service should not be a new institution. On the contrary, it should be based on existing structures and not interfere with the present roles of institutions and Member States according to the Treaties. Since it is unlikely that Member States would agree on vesting the Commission alone with this task - which could draw upon its experience in the management of EC affairs in general and external relations in particular -, such a capacity should be organised as a common service involving the relevant resources of EU institutions. These would include the Central Planning Department for External Relations of the Commission, the WEU planning facilities and the planning staffs of Member States, as well as the rather limited capacities of the Council Secretariat General. This common service would be a kind of "Lagezentrum" at the disposal of CFSP actors, and its work would be

geared to the EU decision-making process. This common service should not have a right of initiative, since this is already shared by the Member States and the Commission whose legitimacy is based on political accountability. All this could be done without spectacular treaty modifications. However, in order to consolidate this innovation, it would be useful to create the analysis capacity by amending the present Declaration on practical arrangements in the field of CFSP and inserting it in the Treaty.

c) *A decision-making capacity*

In this respect, it is important to take into account the idea of solidarity, which is the cornerstone of the European Union. However, solidarity has to work both ways. The Union has to show solidarity with its Member States, but a Member State cannot hijack the solidarity of the European Union in order to unilaterally pursue its own national interests. In order to avoid these kind of situations which have happened in the past, it will be important to find an adequate solution in the IGC.

The existing unanimity rule has seriously hampered CFSP's effectiveness by slowing down decision-making and favouring compromises on the basis of the lowest common denominator. The possibility of majority-voting on implementing measures in the context of a joint action (article J.3 para 2) and the call upon Member States not to block decisions supported by a qualified majority (Declaration on voting in the field of CFSP) have not changed the situation for the better. Mr van Eekelen has listed in his report the different options on how to combine the introduction of more *qualified majority-voting* with safeguards for the minority. These ideas deserve further consideration since there are many intermediate formulas between unanimity and qualified majority such as a super-qualified majority, positive abstention, consensus less one. A reform of voting procedures should observe the following principles: a minority should not be able to block a majority of "the able and the willing" while the majority should not be able to impose action, notably in the military field, on those who decide not to participate. But decisions taken by the majority would be decisions of the Union and, as a consequence, actions agreed by majority would be financed by the Union. This would indeed mean the entrance of variable geometry into CFSP although on a case by case basis. The general use of the unanimity rule should be ended and majority voting should

be consolidated and preferably become the rule, at least as a first step in a number of areas specified in the Treaty.

*(d) An implementing capacity*

In order to ensure the effective and expeditious implementation of decisions taken by the Union as well as a more visible, and hence more influential, presence of the Union on the international scene, the Union's executive capacity will have to be strengthened. At present, the CFSP executive has two branches : the Presidency of the Council and the Commission. However, the present system of rotating Presidencies every six months has been unsuccessful in giving the EU appropriate external representation. The Troika system with the Commission in the role of an "associate" has not compensated for this. The idea of a Mr or Ms CFSP, although seeming to be attractive at first sight, would add for confusion and complication. Attempts to justify it by pointing at NATO or WEU are not convincing since these organisations do have a different institutional set up. A Mr or Ms CFSP next to a Council Presidency and the Commission would in itself therefore not represent real progress. A strengthening of the CFSP executive should instead start from the existing institutions, i.e. the Council Presidency and the Commission. The question is how both could be strengthened, eventually complemented and cooperate more closely as a joint executive linking the Community and CFSP dimensions of EU external relations and thus at the same time contributing to more consistency.

*(e) A European Security and Defence capacity*

Finally a fully-fledged CFSP must have the full range of instruments at its disposal, including an effective and credible military capability. Apart from other features, this implies unequivocal lines of political control. The WEU has already been identified as the defence component of the EU and the key questions which must be addressed over the next year therefore include the relationship between them and ultimately, between the EU and NATO. In this context, it may be useful to remind the basic differences between WEU and EU. While WEU is an alliance, EU is a comprehensive community of shared solidarity.

I agree with Mr. van Eekelen that the Treaty could adopt a timetable for future steps. On security and defence issues we should follow an evolutionary approach, following the example of the Monetary Union. At Santander last week-end, foreign ministers gave thought to these issues. NATO will be fundamental to European defence for the foreseeable future ; and, in the longer term, it seems inconceivable that WEU will not be merged with the EU, and that there will not be similar European membership of the EU, WEU and NATO. In order to achieve this objective, which should be included as such in the Treaty, it would be useful to follow a two phase approach. In the first phase, the so called "Petersberg tasks" (humanitarian and rescue tasks, peace keeping and tasks of combat forces in crisis management, including peace enforcement) could be incorporated into the EU treaty, making them tasks of the CFSP. This would have the advantage that the EU would establish the policy framework while the WEU would acquire an enhanced operational capacity to implement those tasks. The development of a European armaments' policy would also be included in this first phase. The existence of a first phase would give time to deal with the problem of different membership of the EU, WEU, and NATO and it might allow to leave the question of mutual territorial defence obligations (Article V of the WEU Treaty) for inclusion in the final (second) phase. I disagree with Mr. van Eekelen's suggestion to create a fourth pillar for the reasons outlined earlier.

It is also clear that decisions on the future development of the EU/WEU relationship cannot be taken in isolation from their effect on the Alliance. This does not just mean implementation of the long overdue CJTF concept. If the North Atlantic Alliance is to retain its political dimension (next to its defence role) as the fundamental expression of European/North American partnership then the evolving European Union itself must acquire the capacity to act as the European pillar in an equally evolving Alliance structure.