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ENHANCING THE EFFECTIVENESS OF THE EU'S FOREIGN DEFENCE POLICIES

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EXECUTIVE SUMMARY

The following report discusses ways of enhancing the EU's effectiveness and impact as an international actor in the light of debates currently taking place within the Convention. Its central recommendations can be briefly summarised:

1. Clarify and discard the more extreme variants of arguments pressing for a significant EU military capability.
2. Create a Commissioner for External Affairs to whom other Commissioners responsible for discreet aspects of this portfolio would report.
3. Recreate the Political Committee, composed of Political Directors.
4. Create a Council of Defence Ministers.
5. Reinforce the role of the High Representative in several ways: increase the financial resources at his/her disposal; allow him/her to chair the COPS.
6. Create an EU Security Council comprising the HR, the Secretary General of the Council, the Commissioner for External Relations, the Presidency (in order to ensure coherence with EU internal action), the chief of the EU military staff and senior representatives from the troika.

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Introduction

There is widespread acknowledgement amongst Europe's citizens of the potential benefits to be gained when the European Union acts collectively on the global stage. At the same time, there is criticism that the Union's international impact currently falls short of what might reasonably be expected given its economic weight, its high degree of internal integration and the resources collectively at its disposal.¹

Since the creation of the EEC in 1958, the external role of the EEC/EC/EU has increased dramatically. The Union has come to face several problems in terms of the effectiveness of its external policies. There are several aspects to this, which, for the sake of clarity, can be divided into two broad categories:

- The scope of the EU's external policy ambitions, and
- The structures in place to formulate and implement these policies.

Ambivalent about its role and with difficulties achieving internal coordination and coherence, the EU, for all its undoubted external policy successes is not as effective as it could be. Before considering this in more detail, four general comments are in order.

- The ability of Europe to play a significant international role is now a more pressing issue than at any time in the history of European integration. Major international tensions involving trade and finance, along with the prospect of continued instability as the so-called war against terrorism gathers pace all imply the need for such a role. Given that, unlike during the Cold War, there is no other multilateral institution capable of coordinating national responses to these challenges (as NATO did during the Cold War), the EU needs to develop, sooner rather than later, a capacity for effective external action in virtually all sectors.
- In a globalising world, the distinction between foreign and domestic policies is becoming ever more blurred. Gone are the days when the external policies of the EU could be seen as simply the 'icing on the cake' of internal integration. In order that the policies adopted internally by the EU are effective, the Union must be in a position to defend its preferences effectively in international organisations such as the WTO, and help shape the international environment in such a way as to promote its own model of liberal democratic capitalism.
- Whilst the European Union needs to be able to act effectively in a number of areas, it is not necessarily the case that this effectiveness is proportional to the scope of its competence in foreign policy. Resource, political and institutional constraints mean that there are certain external policy functions that the EU will not be able to perform.

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¹ Note from the Praesidium to the Convention on External Action, 3 July 2002.

Extending its remit to cover the risks undermining, rather than enhancing, its ability to act effectively in international relations.

- Finally, in discussing possible ways of enhancing the effectiveness of the EU's external policy, care must be taken not thereby to undermine other areas of its activity. Foreign and security policy issues tend to be discussed by foreign and security policy experts, who often have no real knowledge, or understanding of the complexity and fragility of, the EU system as a whole.

Scope

Lack of clarity and exaggerated expectations

Ambiguity has arguably been a defining characteristic of key policy developments throughout the history of European integration. The two central policy areas of the EU – the Single Market and EMU, were both, throughout their inception and early implementation, characterised by a lack of clarity about their ultimate nature. Indeed, arguments are ongoing as to whether, for instance, the ECB should be complemented by some form of economic government, and how far the Single Market should be regulated.

Ambiguity is also a characteristic of the EU's external policy. A case in point is the European Security and Defence Policy (ESDP). There is widespread disagreement between the member states concerning the appropriate objectives of the ESDP: Should the EU be equipped to participate in the war against terrorism? Should it be able to intervene globally or merely in its own near abroad? What kinds of missions should it carry out – peacekeeping or more ambitious peace enforcement tasks?

Unfortunately, the cultivated ambiguity that worked so well as a strategy in the economic domain has profoundly negative consequences when it comes to external relations. For one thing, disagreement concerns the fundamental objectives of policy, rather than simply the appropriate means of achieving them. Everyone can agree on the goal of economic growth, though they may disagree as to whether fiscal interventionism represents a viable way of achieving it. The member states do not even agree on the need for an effective EU war-fighting capacity as an ultimate objective. Moreover, disagreement over fundamentals effectively precludes strategies such as the open method of coordination, increasingly used in economic sectors, as this depends for its effectiveness on broad agreement about first principles and ultimate objectives.

Second, particularly in areas such as defence policy, a clear definition of ends is crucial in order to create appropriate policy instruments. Whatever one's view of the correct blend of monetarism and keynesianism, a central bank is necessary. In contrast, one's choice of appropriate military structures and hardware depends fundamentally on one's view of what they are for. A tank is a tank, and of limited utility for fighting in the Afghan foothills. Moreover, whilst a central bank can be created relatively rapidly, deployment of certain kinds of defence hardware imply 10 to 15-years' lead time. Political decisions about what the ESDP is for can therefore not be put off or fudged.

Ambiguity is thus harmful in and of itself. More specifically, one of its by-products has been a tendency on the part of some Europeans to play fast and loose with their rhetoric concerning the EU's security aspirations. Two consequences have flowed from this.

- There is a rampant capabilities-expectation gap in Europe concerning the EU's defence policy ambitions. Ambitious rhetoric has been used, including claims by some that the EU be able to carry out Kosovo-type missions on its own. The recommendation by the

Convention working group on defence that the new Treaty contain a collective defence clause (para 59) is simply an invitation to exacerbate this situation. The Union is not in a position to ensure the security of all its members, and to include such a clause would simply be to underline the fact that talk in the EU is cheap.

The fact is that even a relatively minor crisis like that in Macedonia has cast serious doubts about the effectiveness of the ESDP. The combination of grandiloquent rhetoric and limited military means threatens to spawn tremendous public disillusionment as the limits of European capabilities become clear, possibly in the face of another major crisis in the Balkans. A sensible statement of ambitions is therefore an urgent necessity in order to forestall the possibility of the EU facing criticism for failing to match fundamentally unrealistic expectations fostered by irresponsible rhetoric.²

- A similar capabilities-expectations gap is developing in Washington, where rhetoric about European defence is being taken more seriously than at any time since the 1950s. Again, raising expectations without delivering risks fostering disillusionment, which, in Washington, could include increasing frustration and disillusionment with NATO – hardly a desirable outcome.

Fostering clarity requires a problem-driven rather than politically or ideologically inspired approach to ESDP. The central concern must be the desire to guarantee security and make the most of European external policy resources, rather than vague arguments about the need for the EU to have a defence capacity in order to really exist, or prove its state-like credentials.

Clearly, the EU should have some limited capacities to act in the event that NATO cannot or will not act, and in order to be able to ensure stability in its near abroad. However, in order to maximise the effectiveness of Europe's external role, the ambitions related to ESDP need to be limited. Currently, its defence ambitions are guided by the vague stipulation, incorporated into the Treaties at Amsterdam, that the EU is able to carry out any 'Petersberg mission'. These range from small-scale humanitarian tasks to far more ambitious military operations including, according to some, those on the scale of NATO's Kosovo operation. There are serious grounds for concern, however, about the Union's ability to carry out anything but more minor military operations.

First, whilst their rhetoric may have dominated recent debates about a putative EU defence capability, the views of France and the UK do not enjoy widespread support amongst other member states. The neutrals in particular harbour doubts about the EU enjoying a genuine war-fighting capacity, with states such as Finland constitutionally constrained in terms of the kinds of missions their forces can undertake. In addition, the smaller member states fear that, because the larger ones will inevitably play the leading role in any serious EU military activity, they will use this as a reason for ensuring that they enjoy disproportionate weight in ESDP decision-making – something the 'smalls' are not prepared to accept. Given such disagreements and suspicions, it is hard to see how the more 'muscular' states will succeed in securing consensus for their more maximalist view of the ESDP.

Second, in the current economic climate, it is difficult to see how the member states will manage to provide the Union with the necessary financial resources to carry out anything but limited military operations. There is no sign that the launching of the ESDP is going to lead to increased defence spending within the Union – though certain states such as Britain have

² This calls to mind one telling incident that occurred in Brussels during 2001. A press conference was informed that the ESDP was operational. When pressed, the spokesman declared, to howls of laughter from the assembled press corps, that the committee system was in place.

taken steps in this direction. Certainly, it is hard to find evidence that resources will be available to allow the Europeans, acting outside the NATO framework, to deploy the kinds of military assets that are effectively necessary to carry out anything other than very limited, peacekeeping-type operations.

Third, given the existence of NATO, it seems somewhat paradoxical to attempt to empower the EU to carry out tasks that fall within the Alliance's remit. For all its imperfections, NATO is a generally successful, tried and tested, military institution that enjoys several clear advantages over the European Union. For one thing, the participation of the United States clearly provides NATO with a power that the EU lacks and the importance of the role that NATO plays in maintaining a US commitment to European security can hardly be overvalued. NATO is also free of the problems of a lack of consensus that hamper the EU in the defence sphere, not least because the neutrals are not members. Its effectiveness in decision-making stems from several factors, including US power, habit, the role of the Secretary General in promoting consensus and the glue of an Art. 5 commitment that weds all member states to the ambition of ensuring it works effectively. Moreover, NATO has, since the early 1990s, successfully taken steps effectively to blur the distinction between members and non-members, which spare it the kinds of institutional problems confronting the EU in its attempts to permit the kind of flexible participation in military missions that today is so important.

A final set of justifications for explicitly limiting the military ambitions of the Union relates to both its abilities and its nature. Discussions about CFSP have taken something of a back seat in recent years to the debates that have raged about ESDP. Implicit in this process has been a process of undervaluing the achievements of the EU in less military dimensions of external relations. References to 'soft security' have pejorative undertones that are hardly merited. The Union has played an important, if often-unnoticed role in stabilising regions threatened with insecurity by using all available economic, technical and political means. The forthcoming EU policy mission in Bosnia, though hardly noticed in either the press or political rhetoric, represents a crucial test case of the EU's ability to carry out this kind of doubtless not sexy but nevertheless crucial task. The fact is that crisis management can be seen to comprise three elements: the phase preceding the crisis, the crisis itself and the phase of reconstruction and rehabilitation. The tendency in recent times has been for EU political leaders to focus on the second of these, although the Union is particularly well equipped to address the first and the third. Moreover and again despite pejorative references, these elements of crisis management are every bit as important in terms of the preservation of security, if not as attractive to the media, as military missions. The Convention working group on defence devotes hardly any attention to the question of civilian capabilities which is unfortunate (though para 50 on updating the Petersberg tasks points to missions that are less intensive militarily and yet crucial to conflict management and prevention).

'Softer' forms of security policy represent an essential contribution to the maintenance and restoration of stability and also a prime way in which the Union can spread and universalise the core values on which it is based. As the most successful example of an international organisation whose members have eschewed violence and adopted cooperative mechanisms to regulate their relationships, the EU is ideally placed to act as a model for such relations in other parts of the world. By adopting an external role more reliant on means other than military, the Union will reinforce its claim to act as a model for new forms of interstate relations in other parts of the world.

This is not to say that European states should renounce the possibility of effective military action above and beyond limited peacekeeping missions. Rather, the argument is that, above a

relatively low threshold, such missions should be carried out within a NATO framework. Clearly defining the EU's military ambitions in limited terms would lay the way open for the Union to engage in constructive negotiations with NATO about an optimal division of responsibilities between the two institutions. Displaying commitment to, rather than competition, via the EU with, NATO is a way for its European members to help reinforce that organisation, particularly if this is backed up by a genuine willingness to discuss means of improving and increasing the European contribution to the Alliance. Under such an arrangement, NATO or Berlin plus type operations would be used for all significant military operations, with the EU taking on less intensive operations, and supporting NATO with non-military means in any crisis. In such a way, the two institutions could develop a genuinely complementary relationship, thereby maximising their combined ability to ensure security.

Structures

Clarification and limiting of ambitions in so far as defence policy is concerned will still necessitate reforms to the structures and operating procedures in place for the ESDP and CFSP. As the EU's role in international affairs has expanded, so too have a greater number of problems inherent in its external policies become evident. Several of these can be identified, relating to structures, and decision-making procedures. I examine in turn:

- Means of improving the functioning of individual institutions,
- Ideas for providing effective external policy leadership for the Union and
- Inter-institutional relations and co-ordination.

The Commission

Four Commissioners are charged with different aspects of EU external policy: enlargement, development, trade and external relations. Because of the collegiate nature of the College, there is no order of seniority among them. Each enjoys formal autonomy and must submit policy initiatives to the college for approval by simple majority vote. Inevitably, this division of the external relations portfolio has implications for the coherence of policy. This situation could be remedied by the creation of senior and junior Commission posts. A Commissioner for Foreign Affairs would be formally senior to his three colleagues who would report to him and clear policy initiatives with him, as well as being formally accountable to the College. This would have the effect of increasing the internal coherence of Commission activity in external policy, a coherence which would be further bolstered by regular meetings – formal or informal – between not only the cabinets, but also senior officials in each relevant Directorate General.

The Council of Ministers

The European Council at Seville last June agreed to reform the General Affairs Council, renaming it the General Affairs and External Relations Council (GAERC). This will hold separate meetings for each of its allotted tasks – coordination of cross-cutting issues and preparation of European Councils on the one hand, and EU foreign policy on the other. This will have the effect of allowing more time for focussed discussion of foreign policy issues, without getting bogged down in the minutiae of internal community business. There are certainly important questions to be discussed as to whether the formula adopted at Seville represents the optimal way of ensuring the overall coordination of EU policies and preparing for European Councils, but such a discussion is beyond the scope of this paper.

Within the Council itself, unanimity remains the norm for foreign policy decisions, and the rule for defence matters. Certainly, this situation does little to inspire faith in the ability of the Union to take effective, timely decisions on these matters, and there are those who have suggested, that QMV be introduced for all matters apart from defence. Again, however, wishful thinking should not be allowed to blind us to the realities of the situation. The adoption of QMV would simply not be acceptable to several member states,³ and the historical record shows that, even when QMV is available for foreign policy decision, it is not used. The recommendation of the Convention Working Group on defence that decisions should be made by assent rather than consensus, and should be based on a ‘culture of solidarity’ (para 52) does not promise any real advances in that it would take a significant amount of time to foster such a culture which would be virtually impossible to achieve in the military sphere given the real principled differences that exist.

Progress, however, will only occur through enhanced coordination and the promotion of convergence between the member states. The Council represents the obvious institution within which to foster such developments. Two reforms in particular can be envisaged which will enhance consultation and coordination, and serve to co-opt significant elements of national foreign and security establishments into the EU process.⁴

One possible initiative that could achieve these objectives would be the recreation of the old Political Committee, which brings together the Political Directors from the Foreign Ministries of the member states. This could take the form either of regular meetings chaired by the High Representative, or of regular meetings of the COPS with Political Directors in attendance. Such a move would have several positive consequences: it would ensure that national officials are fully implicated in developments in Brussels, helping to ensure coordination between nationally and Brussels-based foreign ministry officials. Second, repeated meetings of these highly influential officials will help foster greater convergence between foreign ministries. Finally, and hardly unimportant given the suspicions with which the smaller member states currently view some of the positions of their larger partners, the reactivation of the Political Committee would provide a reassurance for the ‘smalls’, several of which expressed concern about losing the opportunity to have contact with Political Directors from the ‘biggs’.

Second, a Council of Defence Ministers should be created. At present, Defence Ministers can meet, under the aegis of the GAC, as and when necessary. Setting up a Council of Ministers specifically for Defence Ministers will have many of the positive implications noted above for the Political Committee. Defence Ministers must be directly and routinely involved if the EU is to achieve even more modest defence policy ambitions. For too long, European security initiatives have been purely political initiatives, formulated by Foreign Ministries. In order for

³ Ironically, the member states that have historically been most reticent about seeing QMV adopted in foreign and particularly security affairs would quite probably be those that would benefit the most from such a development. Britain and France have always vehemently opposed any suggestion that the veto might be removed from defence policy matters. However, the way the EU takes decisions in this area means that no state can be forced to take military action against its will. And no military intervention is imaginable without either British or French involvement. The veto, therefore, acts as a restraint rather than a recipe for activism, in that it allows member states to prevent military action even if others are in favour of taking it. As Britain and France are likely to be frustrated by this arrangement more than many if not most of their partners, they potentially stand to gain from at least a limited relaxation of the unanimity condition. However domestic political constraints mean that such an initiative would be problematic at best.

⁴ The latter process is particularly important given the potential, underlined by several prominent analysts such as Dave Allen, of the ‘Brusselisation’ of foreign policy leading to potentially harmful splits between Brussels and nationally based national officials.

the EU to achieve true operational effectiveness, however, this is a situation that must be remedied.⁵

Leadership in foreign policy

One glaring weakness of the Union's external policy role is the absence of a clear institutional locus of leadership.

Three institutions enjoy real prerogatives over EU external policy: the Council of Ministers, the Commission and the High Representative. The Commission possesses unparalleled expertise in aspects of external relations and security. It has, particularly over the course of the last decade, gained experience in dealing not only with non-military aspects of security, but also with the challenge of enlargement which is, not unreasonably, seen by many as the centrepiece of the EU's effectiveness as an international actor.

However, there exists an understandable scepticism on the part of some member state governments regarding the prospect of entrusting a leadership role in foreign and security policy to the Commission. The reasons for this are many and varied, but the fact is that this reluctance is neither temporary nor negotiable. Whatever the intrinsic merits of the notion of providing the Commission with a leadership role in external matters, this is simply not a practical idea.

Precluding a foreign policy leadership role for the Commission leaves two alternatives for such a position: the rotating Presidency of the Council of Ministers, or the High Representative for Foreign Policy, created by the Amsterdam Treaty. Certain member states have argued in recent months that the rotating Presidency should be reformed in order that it provide external policy leadership for the Union. In particular, the larger member states have expressed their dissatisfaction with the six-month rotation of the Presidency, which spawns two related problems:

- A lack of consistency as each new incumbent imposes its own foreign policy preferences and priorities on the Union as a whole.
- The danger of small states without 'international clout' holding the Presidency at crucial moments – Belgium held the Presidency on September 11th

Amongst the various suggestions currently being considered in discussions within the framework of the Future of Europe debate is one for creating a – possibly – elected – longer-term Presidency of the European Council to provide overall leadership, including in foreign affairs. Yet such suggestions have led to concern on the part of the smaller member states about their larger partners trying to wield undue influence. Moreover reforming the Presidency in this way hardly addresses the problem of consistency. Whichever state wields the Presidency will presumably use it to further its own external policy ambitions. Indeed, this is more rather than less likely if a 'big' holds the position. The larger member states have traditionally been more willing to pursue their own agendas 'in the name of Europe'. Moreover, unlike their smaller partners, they are not wholly reliant upon the institutional resources of the EU in order physically to manage a Presidency, and tend to draw largely

⁵ Two examples serve to illustrate this. The Eurocorps, set up around the time of the Maastricht negotiations, was the result of negotiations between the French and German foreign ministries. The absence of Defence Ministry involvement contributed towards the forces relatively military ineffectiveness. Similarly, tensions broke out between the Foreign Office and Ministry of Defence over plans driven by the former on the basis of discussions within the EU, to ensure EU intervention in Macedonia. One senior MOD official complained that his department felt excluded from discussions about the development of the ESDP, which, consequently, were driven by the FCO's political agenda.

upon their own administrative services which are, of course, far less concerned with ensuring a 'fair', or 'communautaire' Presidency.

Because of the impossibility of reconciling policy effectiveness, coherence and an equal distribution of influence between the member states, the Presidency is simply not the appropriate institution to wield ultimate authority over all aspects of external policy. *Faute de mieux*, therefore, the only practicable solution is to reinforce the role of the High Representative.

Reinforcing the high representative

The post of High Representative has proved to be a successful institutional innovation, providing a single figure to act as spokesman for the EU in international affairs, and a clear leader for developments in the defence sphere. A significant element of this success has arguably been contingent – attributable to the personal qualities and authority of the current incumbent. In order to ensure that future post holders are able to play an equally effective role, and to strengthen the capacity of the High Representative, several reforms should be contemplated.

- First, the resources available to the High Representative – both financial and in terms of staff – should be increased
- Second, the HR should, as a matter of course, chair meetings of the COPS, rather than merely enjoying the possibility of doing so during crises as is currently the case. He should report to and attend all meetings of the General Affairs and Defence Ministers Councils.
- Finally, for the sake of the effectiveness of internal EU policies, the HR should no longer hold the post of Secretary General of the Council. The HR is currently based, along with the increasing number of staff appointed to assist him, in the Secretariat General of the Council. Recently, however, concerns have been raised that the presence of largely seconded foreign policy staff in the Secretariat has threatened the effectiveness of what has traditionally been one of the Union's more effective, and coherent institutions. Given the central importance of the institution to the effective functioning of the EU system, this link should be broken, with the HR and his staff being relocated in a separate institution, which could perhaps be named the European Security Agency.
- Finally, in the context of a clearer definition of the military ambitions of the EU and consequent more collaborative relationship with NATO, it may well be worth considering the possibility of negotiating observer status for the HR or his representative on the NAC in order to facilitate an open and frank exchange of ideas and information between the two institutions.

Finally, a word of caution is in order concerning the role of EU Special Representatives. Several of these exist already, and there is some talk of using such positions more frequently. The Convention working group on defence suggests using Special Representatives to ensure command on the ground in military operations (para 51c). There is no doubt that, particularly in the case of Bosnia, special representatives have been effective and enjoyed the skills and authority to ensure real progress on the ground, including, crucial, coordination between different agencies. However, such success is based to a significant part on the particular skills of the individuals concerned, and a situation could easily be envisaged where this were not the case. Moreover, the proliferation of Special Representatives is hardly a satisfactory means to resolve the question of the coherence of EU action.

Coordination between external policy actors

Within a system clearly led by the High Representative, there will still be a need to ensure effective coordination and lines of communication between the High Representative and other institutions, notably the Council and the Commission.⁶

An idea currently being suggested by several commentators and government representatives is that of collapsing the function of HR into the Commission, by making the latter a member of the former. Such ideas, however, are flawed. They would introduce a foreign body into a institution that functions on the basis of collegiality, and whose primary responsibilities are the effective management of the EU's internal policies. Moreover, since the Presidency of Jacques Delors, the Commission has increasingly taken on an administrative and regulatory role, retreating from the explicitly political and leadership functions it performed under Delors. Attempting to combine the explicitly political role of foreign policy leadership with these other functions will lead to increasing incoherence within the Commission, and further complicate the issue of its political accountability.

Given the complexity of the tasks already confronting the Commission in terms of managing and regulating the internal aspects of the Union, such a development would be counterproductive. The optimal solution, therefore, would be to place the HR in a separate institution, answering to the GAERC and the European Council.

In order to ensure effective inter-institutional coordination and consultation, an EU Security Council (EUSC) should be created. This would consist of the HR, the Secretary General of the Council, the Commissioner for External Relations, the Presidency (in order to ensure coherence with EU internal action), the chief of the EU military staff and senior representatives from the troika. The EUSC would meet regularly and thereby ensure that all EU institutions are pursuing a coherent foreign policy agenda. It would be chaired by the HR, and serviced by his staff. The EUSC would report to and advise the GAC and European Council. It would meet regularly, and would be tasked with planning EU reactions to international crises and proposing actions to the Council.

A further crucial role that could be played by the EUSC would be to decide on the shape of EU military interventions. The COPS and European Council are tasked with taking the initial decision concerning EU involvement in crises. After this initial decision, however, a less political and more technocratic process of decision-making is necessary in order to decide on contributors to military operations and the nature of the forces to be involved. Whilst member states currently have the right to opt into such operations, it may well be that, in the interests of military efficiency, certain of them are not required to participate. The EUSC would report to the European Council on the nature of the required contribution from member states, as well as the desirability of participation from non-members who have expressed a willingness to be involved.

⁶ The fact that relations between the High Representative and the Commission have functioned relatively well to date can be put down, at least in part, to contingent factors, not least the good personal relationship between Solana and Commissioner Patten. Once again, however, it is important to put into place structures that will ensure effective coordination between the various EU institutions with an external policy role even if personal relations are not as close