

“Who Speaks for Europe While We Wait for the EU Foreign Minister?”

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DRAFT: comments welcome

Introduction

Although it may be too early to write the obituary for the Constitutional Treaty, the French and Dutch no votes make it unlikely that it will be ratified without some major revisions. This will take years. In the meantime, a number of less contested and much-needed innovations in the area of EU foreign policy have been put on hold, such as the establishment of a permanent president of the European Council; a Union Minister for Foreign Affairs, merging the posts of High Representative for the CFSP and External Relations Commissioner; and an External Action Service (EAS), bringing together the external services of the Council and the Commission in one EU diplomatic service. Especially in terms of providing the EU with foreign policy leadership, the establishment of the post of a double-hatted Union Foreign Minister (FM) would represent a potentially significant step forward at a time when the Union is seeking a more active role on the world stage. Having a person speak on behalf of the Union as its Foreign Minister would, however, not in itself provide it with the necessary leadership, since the Common Foreign and Security Policy (CFSP) is—and would remain so under the Constitutional Treaty framework—firmly in the hands of the member state governments.¹ Yet in some respects, the High Representative Javier Solana already fills such a role *de facto*, notably by taking the lead in the process that ultimately produced the 2003 European Security Strategy (ESS) and by representing the Union, for example, as events unravelled in the Ukraine in 2004, at a time when the member states were still recovering from the Iraq debacle. On the other hand, Solana has been effectively sidelined together with the larger part of the EU membership, although he was eventually taken on board, in negotiations with Iran, where the exclusiveness of the club of the EU-3 (Britain, France and Germany) has revived the notion of a *directoire*—an EU “Security Council” of sorts—to lead an ever larger Union of 25. This raises the question whether the Foreign Minister would, indeed, receive the backing needed from large and small member states alike in order to exert the political leadership that the Union so desperately needs in order to fulfil its ambitions as a global actor.

¹ Of course, significant parts of the EU’s external relations portfolio is and will be managed by the Commission and its President, Jose Manuel Barroso, even with a double-hatted Foreign Minister, into which the post of External Relations Commissioner, currently held by Benita Ferrero Waldner, would be merged. This paper does not, therefore, address the *whole* question of who speaks on behalf of the EU, but discusses rather external representation within the CFSP and the extent to which the provisions of the Constitutional Treaty would lead to better coordination between the Council and the Commission.

So far the EU has made do with, quoting Steven Everts and Daniel Keohane, “glorified ad hocery”, whereby a number of new institutions, mechanisms and posts have been established *en route* (Everts and Keohane 2003: 178). This, on the one hand, shows some remarkable flexibility on behalf of the Union, yet it is deemed to be reactive in nature and hardly suited to ensuring a consistent and efficient foreign policy. On the other hand, developments have been largely away from the public eye, and the transfer of responsibility from the Commission to the Council in areas such as civilian crisis management has removed it from the scrutiny of the European Parliament—to the further detriment of the Union’s already problematic democratic deficit. If the EU is to fulfil its stated ambitions, therefore, it needs to do better on legitimacy, while developing consistent, coherent and proactive foreign policy leadership. This requires the far-sightedness and political entrepreneurship of a person with the political weight of Solana, but he/she must be embedded in an appropriate institutional framework. Yet nothing can be done without the backing of the member states, which need to feel a sense of ownership over EU foreign policy. This paper evaluates the present status of this “trilemma”, taking as a point of departure the relevant provisions of the Constitutional Treaty.

Who Shall Lead? The Provisions of the Constitutional Treaty

The establishment of the post of a Union Foreign Minister, if or when agreed, would represent two major innovations in the foreign policy area: First, it would largely replace the role of the Presidency as the official driver for and voice on matters falling under the CFSP. Secondly, it would bring together the functions of High Representative for the CFSP (HR-CFSP) and Commissioner for External Relations, thereby, at least in theory, improving coordination between first and second pillar instruments. As regards the former, the current arrangement of having the Presidency rotate between the member states every six months is widely recognised as inefficient and overtly susceptible to national politicisation. It has largely outplayed the role it once had in bringing different issues to the forefront, whereas the EU’s growing foreign policy portfolio makes it virtually impossible for the member state holding the Presidency to keep up. In order to reduce overload and improve consistency, each Presidency is supported by a Troika, consisting of the preceding, the sitting and the upcoming Presidencies, as well as the Council Secretariat and the HR-CFSP. Nonetheless, although some of the smaller member states would probably mourn the loss of six months in the driver’s seat every 12 years, one can hardly expect policy-makers in Washington DC or Beijing to call Lisbon one year and Vilnius the next whenever they want Europe’s opinion on

a foreign policy matter. The question, of course, is whether they will dial the number of the Foreign Minister in Brussels rather than getting on the phone to Paris or London.

With regard to the new division of labour between the Foreign Minister and the President of the European Council, the latter, which in accordance with the Constitutional Treaty shall be elected for a term of two and a half years, renewable once, “shall, at his or her level and in that capacity ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the Union Minister for Foreign Affairs” (Art I-22).² This means in practice that the day-to-day running of the CFSP would be left to the Foreign Minister, who would preside over the new Foreign Affairs Council (Art I-24.3). Other configurations of the Council of Ministers would be chaired by rotating teams of three member states (Art I-24.7). As stated in the Treaty, the Foreign Minister would be appointed by the European Council, acting by qualified majority, with the agreement of the President of the Commission (Art I-28.1). He/she would get his/her mandate from the member states acting through the European Council, but would also be a member of the Commission, acting as one of its Vice-Presidents. This means that the Foreign Minister, while reliant on gaining the trust of the member states, would be bound by Community procedures when exercising his/her responsibilities “incumbent on it in external relations” within the Commission (Art I-28.4).

Giovanni Grevi et al. have pointed out that “the Convention formula did not amount to a merger of two positions into one but instead it attributed to one and the same person the exercise of two functions, (i.e. a *personal union*)” (Grevi, Manca, and Quille 2004: 7). In other words, the Constitutional Treaty did not fundamentally alter the institutional set-up, but went rather for the somewhat half-hearted solution of delegating responsibility for coordinating the activities of two separate foreign policy structures to *one person*. As such, it builds on and expands the powers of the HR-CFSP, which has been a marked success in terms of carrying forward the CFSP, while at the same time mercilessly subjecting him to the inevitable conflict of interests that marks the relationship between Commission and the Council.

² The numbering of the articles refers to the final version of the Treaty Establishing a Constitution for Europe approved by the Intergovernmental Conference on 18 June 2004 and signed in Rome on 29 October 2004.

Towards a Personal Union: What Role for Solana and His Aides?

By having a dedicated individual lead in foreign policy, the Convention hoped that it would help ensure greater visibility, efficiency, coherence and consistency in the Union's external relations. Accordingly, the Treaty grants the Foreign Minister a number of powers, in addition to his coordinative role: (1) *a right of initiative*, in that he/she "shall contribute by his or her proposals to the development of that policy [the CFSP]" (Art I-28.2); (2) *a right of representation*, as "he or she shall conduct political dialogue on the Union's behalf and shall express the Union's position in international organisations and at international conferences" (Art III-197.2); and *a responsibility for implementation*, by carrying out the CFSP "as mandated by the Council" (Art I-28.2). The Treaty built on and formalised the role that Javier Solana as HR-CFSP had carved for himself since his appointment in 1999. Indeed, the new position of Union Foreign Minister seemed tailor-made for a person of Solana's calibre, and it was more or less taken for granted that he would fill it—and retain it until the day he retired, one would assume.³

The decision to establish the position of a HR-CFSP back in 1996/97 followed a French proposal for the creation of a ministerial level figure that would ensure continuity, table policies and represent the Union to the outside world (Grevi, Manca, and Quille 2004: 2). In the end, however, largely because of British opposition, the role of the HR was restricted to: assisting the presidency "in matters coming within the scope of the common foreign and security policy"; contributing towards the "formulation, preparation and implementation of policy decisions"; and engaging in political dialogue "when appropriate and acting on behalf of the Council at the request of the Presidency" (TEU arts 18 & 26). The HR was to act also as Secretary General of the Council, but with emphasis on the latter function. He/she was intended to fill the role of an administrator, while the role of policy-initiator was initially played down. When the time came for choosing an individual to fill the post in 1999, however, the member states had come to recognise the need for a high-profile politician rather than a diplomatic or ambassadorial figure to provide the Union with foreign policy leadership. The choice fell on Javier Solana, a former NATO Secretary General and Spanish Foreign Minister (Crowe 2003: 538).

³ The Constitutional Treaty sets no specific upper limit to how long the Foreign Minister may serve, but he/she is to be appointed together with the rest of the Commission every 5 years (Art I-26.3. The European Council President is by comparison limited to two terms of two and a half years in accordance with art I-22.1). The point is that, at least for the moment, there seems to be no obvious candidates for the post besides Solana.

The HR was given few resources to begin with, but the rather loose job description left considerable wriggle room for Solana, who was also appointed Secretary General of the WEU (Western European Union). He has gradually carved a stronger role for the HR, supported by an expanding institutional apparatus. As Secretary General of the Council Secretariat he has the Policy Unit, the SitCen, and the EU Military Staff (EUMS) report directly to him; he is the head of the newly established European Defence Agency (EDA); and he is, as former NATO Secretary General, trusted and respected in most European capitals and, therefore, increasingly given considerable leeway to act on behalf of the Union. A first showcase of the added role that Solana could play came with the crisis in FYROM (Former Yugoslav Republic of Macedonia) in 2001, which was defused with the help of the shuttle diplomacy by Solana and NATO Secretary General George Robertson, which led to the signing of the Ohrid peace agreement on 13 August 2001. Solana also played an important role, together with Chris Patten, at the time EU External Relations Commissioner, in encouraging democratic opposition against Slobodan Milosevic in Serbia, and he later repeated the feat by extending early EU support for the peaceful revolutions in Georgia and the Ukraine. In other areas, however, Solana's impact has been dwarfed by one-upmanship and search for short-term prestige by successive holders of the rotating Presidency. As Brian Crowe points out with regard to the EU's role in the Middle East, for example, it was neither the Presidency nor the member states that pushed Solana forward, but rather a personal invitation from the Egyptian president to attend the breakthrough Sharm el Sheikh summit in 1999. This gave Solana a route into the heart of the process, but unfortunately successive presidencies have not allowed him to exploit it.⁴ It is a fair judgement by Crowe, therefore, that "Solana's role, while increasing, has been somewhat chequered, expanding incrementally and against rather than with Brussels" (Crowe 2003: 542).

On the other hand, Solana does get a lot of publicity, seemingly answering a need in the media for a recognisable EU face and voice. He is by journalists routinely referred to as the EU foreign policy *chief*, an exaggeration by any standards, but nonetheless contributing towards consolidating his presence and weight in the political landscape. Solana has also played a key role as an intellectual entrepreneur, and by giving the EU a specifically

⁴ Indeed, in the *Quartet*, established in May 2002, which was created in order to press for negotiations between the main parties to the conflict, and which consists of the US, Russia, the UN and the EU, the latter has found it necessary to have three voices speaking for it (Solana, Ferrero-Waldner and the Presidency).

European voice in world affairs by reinventing and reproducing a certain EU security discourse. Solana and his team were instrumental in the process that eventually led to the adoption of the European Security Strategy (ESS), presented at the Council meeting in Brussels on 12 December 2003 and subsequently adopted by the member states (Solana 2003). In terms of its written content, the ESS was instantly followed by a trail of analyses, routinely comparing it with the US National Security Strategy (NSS) published in September 2002 (Biscop 2004; Duke 2004; Toje 2005; Berenskoetter 2004). In context of the low-point in transatlantic relations at which the ESS was launched, commentators differed on whether it was to be taken as a sign of reconciliation or continued transatlantic drift, concluding invariably that the US and Europe agreed on the threats, but parted ways on the means to tackle them.

Perhaps more important than its content was, however, the process by which it came about. The ESS was produced and agreed upon surprisingly quickly, as well as being clearer, shorter and refreshingly free from the bureaucratic lingo that one would perhaps have expected from the EU, with its previous track record of “constructive ambiguity” (Heisbourg 2000). This would not have been possible without the individual and institutional capacities that had been built over the latter years. When Solana was mandated to produce a “European Strategy Concept” in May 2003 at a meeting of EU Foreign Ministers at Rhodes, this evaded the usual Council procedure of leaving the task to an Intergovernmental Conference (IGC). At the time, the member states had gradually grown accustomed to receiving strategic advice from Solana and the Policy Unit in the form of Policy Option Papers (POPs). Hence, as Alison Bayles sums it up, by 2003 they were “familiar with the idea of ‘strategies’, and they were looking (more and more exclusively) to Solana and his team to produce them” (Bayles 2005: 8). In the process that ensued, the drafting was kept under close control by a small team of Solana’s associates. After a run-up, in which the member states and the Commission were heavily involved, the final document was then adopted without difficulty at the Council meeting in Brussels on 12 December 2003. What stands out from these events is the novelty and, indeed, efficiency of the process, which represented a “working style” that went beyond the traditional intergovernmental procedures of the Council.

A key element of this working style has been to individualise responsibility for specific regions or policy areas, which has resulted in a steadily growing team of specialist diplomats

who answer directly to Solana.⁵ The European Council has to date appointed nine EU Special Representatives (EUSRs) under article 18 of the Amsterdam Treaty, in addition to three Personal Representatives for Solana and a coordinator for anti-terrorist activities. The aim of the EUSRs is to provide the EU with permanent representation in troubled regions and countries and “to play an active part in promoting the interests and the policies of the EU” (European Council 2005). However, their mandates differ in accordance with the political context for each deployment. The EUSR in Bosnia Herzegovina is, for example, tasked with coordinating the civilian and military ESDP operations with Commission activities in the country—a rather unforgiving task, but typical of EU *ad hocery*, whereby one hoped that the personal skills of the charismatic Paddy Ashdown could help bridge the institutional divide between the Union’s respective activities on the ground.⁶ In this particular case, Ashdown as holder also of the Office of the High Representative (OHR), established by the Dayton Peace Agreement, carried forward the authority to impose legislation and sack elected officials, which he did, prompting the resignation of the Bosnian Serb Prime Minister in 2004 (*Financial Times*, 20 December 2004). Interestingly, Ashdown had sacked officials before in his capacity as High Representative, but it was not until he was appointed EUSR that the mix of roles was criticised. Despite the fact that Ashdown through his pro-active style managed to push through much-needed reforms in Bosnia, the way he exercised his powers has been pointed out as being problematic for an organisation such as the EU, which prides itself on exporting values such as democracy, human rights and rule of law (David Chandler and Misha Glenny quoted in House of Commons 2005: 63-64). As High Representative and later EUSR, Ashdown carried out his authority much like a traditional Colonial Governor General, whereas other EUSRs resemble rather UN special envoys than policy initiators, giving the EU a “face” but perhaps not so much a “voice” on the ground.

Given the differences in how the office of each EUSR is exercised, which often rely as much on the individual who holds it as the political context for each deployment, there seems to be some uncertainty as to what exactly the EUSRs are there for, both at home and in the regions in which they are deployed. Also, exactly when and where to appoint them comes across as arbitrary, whereas their role vis-à-vis the Commission delegations remains fuzzy. As long as

⁵ Solana reportedly favours personal relations over institutions. His approach has also been refreshingly *hands on* (as in *non-bureaucratic*). It is important, however, that this practical orientation is balanced with the establishment of permanent structures, not merely because there will be a time after Solana, but also because of the need for accountability and transparency in how the different functions are carried out.

⁶ Whereas Ashdown was seen as a typical “fixer”, the current EUSR in BiH, Christian Schwarz-Schilling, has been described as more of an “administrator”.

their respective powers are not clarified, the danger is that the multitude of agents of EU foreign policy adds to the present confusion rather than supplies the Union with efficient external representation. The EUSRs' claim to represent the Union—and indeed Solana's attempts to establish a more pro-active role for the HR—is constrained both by the fact that the intergovernmental nature of the CFSP gives little leeway for them to act independently, and by the fact that they share their competence with the Commission. The usefulness of a *personal Union* only stretches so far as the member states and the current institutional set-up allow.

The Limits and Strengths of Institutionalised Cooperation

When it comes to institutional change, or lack of such, the Constitutional Treaty explicitly preserves the unanimity rule for decisions made by the European Council within the framework of the CFSP (Art I-40.6), which effectively grants every member state a right of veto over any decision. The Treaty states, however, that the Foreign Affairs Council shall as a main rule act by qualified majority (Art I-23.3). However, previous moves towards modifying the unanimity rule, including the introduction of majority voting, have, as Simon Nuttall concludes, only marginally improved the efficiency and consistency of the CFSP (Nuttall 2000). A significant revision of voting procedures in the 1997 Amsterdam Treaty opened for decisions by qualified majority once a “common strategy” is adopted (TEU art. 23.2). Common strategies as a policy instrument, however, have been used rarely and, in the words of Javier Solana, “tend to be too broadly defined, lacking clear priorities and vague because they are written for public consumption” (Quoted in International Crisis Group 2001: 34). Yet on the other hand, the Union has displayed a consistent and efficient policy towards regions such as the Western Balkans without the initial adoption of a common strategy. This illustrates, on the one hand, the futility of enforcement mechanisms in cases when a consensus is clearly lacking, Iraq being the most obvious example. On the other hand, it suggests that an efficient foreign policy is, indeed, possible in an institutional environment that fosters informal political dialogue between the member states.

In fact, institutional developments have been targeted directly at improving the basis for harmonising member states' views. The Political and Security Committee (PSC) was set up in 2001 as a preparatory body for the General Affairs and External Relations Council (GAERC) and consists of an ambassadorial level representative from each of the member states. Having

access to all the information, proposals and initiatives relating to a given issue, it is the PSC that proposes to the Council the overall strategic response, which in effect represents a carefully crafted compromise in which all of the 25 capitals have had their say. Another Council body with deep roots in the member states is the Policy Planning and Early Warning Unit (Policy Unit), which was established together with the post of HR-CFSP with the entry into force of the Amsterdam Treaty in October 1999. The Policy Unit, together with the joint Situation Centre (SitCen), set up within the Policy Unit but separated out in 2001, are the most politicised parts of the Council institutions. It is staffed by one diplomat from each member state, and was:

intended as a nucleus of support for Solana, of policy-oriented officials with links to their national diplomatic services who could supply him with information, with advice—both inputs from those countries but also independent advice as they developed their own contacts working on his behalf

(Head of SitCen William Shapcott quoted in House of Lords 2004).

One concern regarding the size of the Policy Unit has been the increase in workload due to the enlargement process and the expansion of issues that are dealt with under the CFSP. Some have envisioned an expanded Policy Unit to form the core of a cabinet to support the Foreign Minister. For a while, Policy Unit representatives were also double-hatted (some still are), simultaneously heading one of the regional or functional task forces under DG-E, in an attempt to incorporate them more in the day-to-day work of the Council Secretariat, which already has some 400 plus people involved in the CFSP. Currently, however, the unit has been kept small, so that it may retain its most important role, which is to work as the hub of a network with direct and deep contacts in the member states.

The work mode of the Council has to some extent eased the formal constraints put on EU foreign policy-making by its voting procedures and, thus, contributed towards the efficiency of the CFSP—probably more so than the expansion of majority voting envisioned in the Constitutional Treaty would have. It has, however, only marginally improved the overall efficiency and coherence of EU external action, which involves also the Commission. Despite the overlap in tasks between the Council and the Commission, there is a well-documented lack of coordination between the two both in Brussels and on the ground. Formally, the Commission is fully associated with the CFSP and has a right of initiative, but it

has no voting right in the Council (TEU arts. 8 & 9). Current arrangements allow a merger of views at the political top level, but at the working level the only *formal* point of contact is the Commission official present at the Committee meetings in the Council. It is questionable how much impact a double-hatting of the post of High Representative and External Relations Commissioner would have on practical coordination, since responsibilities and institutional structures remain separate. Given the persistently sharp institutional divide, it is likely that the double-hatted Foreign Minister would also have to be “double-cabinetted”. The risk is that what will be—and to some degree has been—unified at the top political level, “remains split at the lower working levels of the hierarchy” (Grevi, Manca, and Quille 2004: 13). One should note that Solana himself, as did former Commissioner Chris Patten, advised against the merger of the functions of HR-CFSP and External Relations Commissioner, arguing that gains in efficiency and coherence would be undermined by a conflict of interest, since the Foreign Minister would have to gain the trust of the member states while being bound by the collegial rules and loyalties within the Commission. Rather than calling for a merger of the external services of the Commission and Council, he called for a clearer division of labour between them (See CONV 342/02).

In the past, the blurring of lines of responsibility between the Commission and the Council has inevitably created some tension, which in turn has soured relations between the two. Some of the grudges on the Commission side may, however, be partly justified insofar as the CFSP has involved a gradual “second pillarization” of the Union’s foreign and security policy. Responsibilities have shifted from the Commission to the Council, for example in the area of civil protection, which has not only caused resentment on behalf of the Commission, but also spurred some principal concerns. The removal of responsibilities away from the Commission means removing policies away from the scrutiny of the European Parliament, in addition to taking away the financial certainty that follows from inclusion in the community budget. At the same time, the *ad hoc* mode in which the CFSP has evolved has given little room for national parliaments to scrutinise government decisions pertaining to EU foreign policy. Looking into the EU’s first military missions, operations Concordia in FYROM and Artemis in the Democratic Republic of Congo (DPRC), Giovanna Bono found that governments had informed national parliaments only after the decision to launch an operation had been made in the European Council. She also found that some governments used the

pretext of lack of time and different forms of urgent procedures in order to bypass national parliaments (Bono 2005).

A foreign policy crafted in the corridors and backrooms in Brussels may in itself represent a democratic problem. Surely, it has facilitated efficiency, but at the cost of *transparency*, since Council minutes tell us very little about such behind the scenes policy-making, and *accountability*, insofar as neither the Presidency, the member states, nor Solana are made to answer for or forced to follow up on decisions made by the Council. At the same time, the collectiveness of the Union has been strained by enlargement, such that the foreign policy leadership assumed by the bigger member states—although always a significant element—has perhaps become more profound lately.

Towards a Directoire?

One response to the lack of foreign policy leadership in the EU has over the years been the tendency to form inner leadership groups. Indeed, most of the major steps in the history of the CFSP, until Maastricht known as the European Political Cooperation (EPC), have relied, more or less, on the initiative and common will of the big EU-3—France, Britain and Germany. The growing difficulties of reaching consensus within a community of 25 and the Council Presidencies' lack of resolve when dealing with important foreign policy issues, especially when held by smaller member states, together with the rise in ambitions and stakes in EU foreign policy, have only reinforced the need for the leadership provided by this group. With the notable exception of the war in Iraq, the notion of the EU-3 also seems to have become more commonplace as well as accepted by the smaller member states, to the extent that one might talk about a more or less formalised *directoire* (Hill 2004).

A move in this direction became evident as focus fell on Iran's nuclear programme, following that which at the time seemed a successful intervention in Iraq. The EU-3, wanting to avoid another war in the region, chose to act independently of the CFSP, as the British, French and German foreign ministers visited Tehran on 21 October 2003, ten days before the UN Security Council (UNSC) was to discuss the subject. This move was in line with the EU's policy of "constructive engagement", however, which since the revolution in 1979 had stood in stark contrast with the American approach. During their visit, the EU-3 upheld the EU's offer of a Trade and Cooperation Agreement (TCA) if Iran complied with the demands of the

International Atomic Energy Agency (IAEA). So, even if the EU-3 acted independently of the EU, thus avoiding normal CFSP procedures, they did act within the parameters of the Union's long-standing policy towards Iran and with the implicit support of the rest of the EU member states. Solana was also soon brought onboard, and has since his first visit to Tehran in January 2004 proved an important mediator in the dialogue between the EU and Iran (See e.g. (Carbonell 2004). Through repeated visits he has kept the diplomatic channel open, although his renowned personal charm seems to have made a limited impression on Mr Ali Larijani, Iran's chief negotiator (*International Herald Tribune*, 12 August 2006).

Nonetheless, a "3+1" model, avoiding the cumbersome procedures of the Council, yet keeping it informed through Solana, has seemed to work fine at least as long as the rest of Europe are happy with the way things are being handled (Allen and Smith 2005).⁷ Of course, recent developments show that "constructive engagement" has not curbed Iran's nuclear ambitions, but at least Europe has managed to retain communication with Tehran, as well as avoiding another US-led war in the region, if another war was or is, indeed, feasible. As has been remarked, however, with regard to the trade concessions in return for Iran abolishing its nuclear programme; it is normally not up to the EU-3 to give away what belongs to 25. The smaller member states will not approve of being reduced to passive bystanders, even if the bigger member states *de facto* control the CFSP. For example, although it has been suggested, the idea of establishing a sort of EU *Security Council* to take the lead in crises never reached the Constitutional Treaty.⁸ Also, member states such as Italy and Spain, and perhaps an aspiring power like Poland, would be loath to see a formal *directoire* model established without them.

Indeed, as events unravelled in Lebanon during the summer of 2006, Italy was quick to assume the leading role when President Chirac failed to deliver on his initial promise of 2,000 troops to the UN peacekeeping force. Moreover, when faced with this new peak in conflict, the unity of the EU-3 seemed to crumble again, as it did over the war in Iraq. France, with support of most of the other EU member states, was critical of Israel's offensive in South Lebanon and demanded an immediate ceasefire. Britain and Germany, on the other hand, the latter traditionally cautious over criticising Israel as well as being eager to mend its

⁷ It is, of course, hard to know the extent to which Solana has, indeed, kept other member states informed, but there has been few official objections to the way the "EU-3+1" has dealt with the Iran issue.

⁸ The idea of establishing an EU Security Council was put forward by members of the Convention, Hannes Farnleitner and Reinhard E. Bösch (CONV 437/02). See also Toje 2004: 10.

transatlantic ties, sided with Washington and refused to condemn Israel's attack. Moreover, Solana, who reportedly entered into a flurry of phone diplomacy with Middle East leaders before flying to Lebanon at the height of the crisis, found his hands tied by the Finnish Presidency which, supported by the British, refused to let him negotiate on behalf of the EU on the grounds that the Europeans could not agree on how to handle the crisis (See e.g. *Economist*, 26 August 2006; and *United Press International*, 26 August 2006).

Yet, eventually the EU member states managed to act as one bloc. In an emergency meeting of the European foreign ministers on 25 August 2006, the member states acknowledged the need for a strong European presence in Lebanon and promised 6,900 soldiers to the 15,000 strong UNIFIL force (United Nations Interim Force in Lebanon). Italy confirmed that it would contribute 3,000 troops, awaiting its reward as it succeeded France in command of the force in February 2007. The latter, on the other hand, managed to save face by returning to its original offer of 2,000 troops in addition to the 400 already in place in Lebanon, although only after Chirac had called the 15,000 figure "totally excessive". Interestingly, Spain is the third largest EU contributor, after pledging a battalion of 1,000 to 1,200 troops, while Poland added 500 to its existing force, with promises of more to come if needed. Hence, after a virtual *coup d'état* the three aspiring EU powers, Italy, Spain and Poland, found themselves in the driver's seat in the Middle East, saving the day after the EU-3—as they did in Iraq—failed to provide the EU with foreign policy leadership as a crisis mounted in a region, which has been referred to as one of the topmost priority areas for the Union. On the one hand, the European response to these events confirmed that Europe cannot trust the EU-3 to provide it with the foreign policy leadership needed, even in a situation where the member states for the most part see eye to eye. On the other, it showed that other member states are able and willing to take the lead if and when the EU-3 fails to do so, confirming rather the notion of foreign policy leadership by *variable geometry* than a move towards a formalised *directoire* model. As *variable geometry* goes, groups of member states may choose to deepen foreign policy cooperation and move forward with *structured cooperation* (Constitutional Treaty, art. I-41.6), or they can set up more or less formalised *contact groups* (as with Poland and Lithuania in the Ukraine), which cater to individual foreign policy interests and take advantage of existing diplomatic relations and historic ties.⁹ This latter ability to appear in different configurations can be seen as an important asset of the EU. More variable geometry can also

⁹ "Variable geometry" means that not every country need to take part in every policy but some can cooperate more closely (See Grant 2005 and Grant and Leonard 2006).

create an intra-European dynamic where different states are induced to take the lead within the stronger EU bloc rather than going it alone; and get their reward in receiving ownership of EU foreign policy. A more consistent and efficient policy could in turn be ensured by formalising a “contact group+1” model including Solana, either as HR-CFSP or Union Foreign Minister. However, Solana, seemingly “all over the place” already, cannot be expected to do everything or be everywhere at the same time.¹⁰ Also, as so often before last summer’s events showed that once a crisis loomed and national foreign policies were at stake, the chance to let Solana take an early lead was forfeited.

Conclusion

The debates in the Convention showed that there is backing for a Union Foreign Minister and thus a reason to go forward with the idea (Grevi, Manca, and Quille 2004: 4). The question is, however, what would be the gains from establishing such a post. First of all, would the Foreign Minister receive the backing needed from the member states in order to fulfil the ambitions of having one person speak on behalf of the Union in all questions relating to foreign policy? Recent examples show that in times of crisis, when the need for one firm and consistent voice is most needed the unity among the EU member states tend to crumble. At the moment, there is nothing preventing the member states from giving the HR-CFSP a stronger role, which is exactly why one should not expect more from a future Foreign Minister. He probably would not have to compete with the Council Presidency in the same way that he does presently for the right to speak on behalf of EU. Yet one of the reasons why Solana has made such a success of his term as HR-CFSP is arguably that he knows that, as he puts it himself, “sometimes you have to know the limits of what you have, and sometimes that means disappearing at the right time” (Quoted in *International Herald Tribune*, 12 August 2006). The member states will not be dictated from Brussels in matters where national interests are at stake, and Solana has indicated that he will not attempt to do so, regardless of whether his title is High Representative or Foreign Minister. It remains to be seen, however, whether Solana will, indeed, assume a more pro-active role if or when he is eventually granted more authority.

When it comes to gains in terms of a more coherent EU foreign policy, integrating first and second pillar instruments, the double-hatting of the Union Foreign Minister would also be of

¹⁰ The overload issue in the EU’s external relations is commented upon in Gomez and Peterson 2001.

limited value. The *personal union* solution comes across as a second best, insofar as the institutional set up remains largely the same, and the post will inevitably be subjected to traditional conflicts of interest, a concern that Solana himself and others have, indeed, raised. It would, however, probably be a good idea to extend Solana's role to cover the whole of the EU's external relations portfolio simply because of what he has managed so far in terms of changing the work mode of the Council Secretariat and establishing what he himself has referred to as an in-house *strategic culture*. As part of his reforms he has, for example, changed the way that the EU obtains and processes intelligence information shared by the member states in the secretive EU SitCen (Situation Centre), to the extent that what used to represent a liability for the EU, because of the many leakages, is today reportedly regarded rather as a valued asset (See Norheim-Martinsen 2007). One problem is, however, that institutional reforms and procedures, both formal and informal, including the proliferation of specialist diplomats and the establishment of informal policy networks, although enhancing efficiency, tend to remove foreign policy away from democratic scrutiny. And although the rejection of the Constitutional Treaty by the people of France and the Netherlands admittedly was not mainly due to what it said about foreign policy, opinion polls show that the people of Europe tends to be sceptical of whatever is perceived as a centralisation of power in Brussels.

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