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## **Federal Structures and Foreign Policy of International and Supra-national Organisations**

### **The Case of the Common Foreign and Security Policy: The European Union as a Model for a New Federal Actor**

#### **1. Common Foreign and Security Policy: the European Union as a federal actor in the making?**

The evolution of the Common Foreign and Security Policy (CFSP) over the last four decades is of considerable political relevance. The second pillar of the European Union (EU) constitutes a key element of the European construction as well as a cornerstone of the national foreign policies of its member states. It is increasingly perceived as an important though strange actor within the international system. However the end result of this endeavour is less clear. Will it become a real actor – a “superpower” – or a “global player”, or might it even wither away under external shocks? Or as we argue, we may be observing a pluralistic federal actor in the making – with clear weakness but also considerable strength. In any case the CFSP, even after the signing of the Treaty of Nice, does not automatically reflect a clearly designed and commonly accepted master plan. On the contrary, in order to avoid doctrinal debates, the “founding fathers” of the European Political Cooperation (EPC), and later the creators of the second pillar of the EU system opted for a pragmatic and ambiguous institutional construction open to

different interpretations (Nuttall, 1992; Rummel and Wessels, 1978).

Consequently, various concepts of the aims and methods of a joint international presence of the EU and its member states continue to coexist.

## **2. Constructing the legal constitution: from the fifties to Nice 2000**

In the immediate aftermath of the Second World War, proposals for the integration of key sectors closely related to national sovereignty – such as the former war industries of coal and steel production or defence policy – into a new European framework found considerable support among the political elites. Federal plans for a European Defence Community (EDC) in 1950/1954, but also inter-governmental concepts embodied in the (Gaullist inspired) Fouchet plans in 1961/62, were not crowned by success. The summit of The Hague in 1969 launched a new but modest start in the development of EPC. The Luxembourg (1970), Copenhagen (1973) and London (1981) reports defined the first principles and procedures for activities in this field (de Schoutheete, 1986; Nuttall, 1992; Rummel/Wessels, 1978).

As part of the overall debate on reforming the institutional set-up, EPC was given a first legal foundation in the inter-governmental conference leading to the Single European Act (SEA) in 1986. Title III, Art. 30, SEA, of 17/ 28 February 1986 stated that:

“[t]he High Contracting Parties being members of the European Community [an explicit hint at the exclusion of third countries from the “club”] shall endeavour jointly to formulate and implement a European foreign policy”(Art. 30, point 1 SEA).

Compared to the earlier reports, the SEA reinforced the member states' obligations to consult each other before fixing their own positions and to refrain from national decisions, "which impair their effectiveness as a cohesive force in international relations or within international organisations" (Art. 30, point 2 SEA). The SEA widely confirmed the institutions and procedures of regular EPC business (Art. 30, points 3-4, 10 SEA). The cooperation remained inter-governmental and required decisions based on consensus.

The new provisions of the Maastricht Treaty in 1992 set out the general objectives and rules of the European construction and created the three pillars under a common roof. The EPC was transformed into the CFSP, representing the second pillar of the EU. It was incorporated into "one single institutional framework" (Art. C Treaty of the European Union (TEU) Maastricht Version (M.V.)). The closeness of European Community (EC) and CFSP structures was underlined by the fact that an EC organ, the European Council, also became the central decision-making body in CFSP (Art. J.2, J.8,2 TEU M.V.); the limited role of the European Commission and the European Parliament was confirmed. Art. C TEU also called for consistency in foreign policy activities, for which the European Council and the European Commission were made responsible.

Furthermore, in a considerable change in view of the inter-governmental doctrine, for the first time rules for majority voting were introduced to the CFSP. Compared to EC provisions they included, however, certain specific modalities: majority decisions not only required 62 weighted votes, they also had to comprise two thirds of the member states (Art. J.3,2 TEU M.V.). These rules were applicable only in specific cases, i.e. the implementation of joint

actions, while the objectives, means and duration of the concrete measures were to be defined by prior consensus. Also as a step towards communitarisation the administrative set-up of the CFSP was to be covered by the EC budget.

Questions of security and defence were no longer taboos on the CFSP agenda; the Western European Union (WEU) especially – so far the comparatively independent, but also marginal defence component of Europe – was to be understood as an integral part of the development of the EU (Jopp, 1997).

Another inter-governmental conference (IGC) culminating in the European Council of Amsterdam in 1997 produced procedural amendments to improve the CFSP's internal efficiency as well as its external visibility and effectiveness (Regelsberger and Schmalz, 2001, 254-255). Among the novelties were: a provision to move from the consensus requirement towards the possibility of constructive abstention (Title V, Art. 23 TEU Amsterdam Version – A.V.); new ways to achieve an extension of majority votes through the introduction of the instrument of “common strategies” (Arts. 13 and 23 TEU A.V.), though national safeguard and fall-back clauses were also inserted, i.e. in case of “important and stated reasons of national policy” (Art. 23, 2 TEU A.V.), a procedurally refined version of the infamous Luxembourg veto was envisaged.

The office of a High Representative for the CFSP (Art. 18, 3 and 26 TEU A.V.) was created to assist the presidency in both management and external representation. Modifications of the old troika system towards more continuity (Art. 18 TEU A.V.) were introduced, as was the installation of a Policy

Planning and Early Warning Unit (PPEWU) at the Council Secretariat under the authority of the High Representative. It is, however, relevant that this function was not – as some had argued – located inside the European Commission, but in the European Council under the guidance of the rotating presidency.

The Amsterdam Treaty also specifies the security and defence aspects of CFSP. It introduces the “Petersberg tasks” (Art. 17 TEU A.V.), i.e. the EU’s competence for humanitarian and rescue operations, peacekeeping, and crisis management including peace making and combat forces.

The institutional and procedural amendments and revisions illustrate the clear preference of the member states for improving the efficiency of procedures without giving up their ultimate say. The coordination became more legalised, but the heads of government did not introduce any “hard” sanctions against non-compliant members. They rationalised their inter-governmental set-up without a qualitative move towards communitarisation. In contrast, such a step was taken in justice and home affairs by moving asylum and immigration issues from the third to the first pillar (Monar, 2001).

Shortly after the provisions of the Amsterdam Treaty had entered into force in May 1999, another debate started on revising and amending the recently signed treaties. It was driven mainly by the “leftovers” of Amsterdam, i.e. fundamental questions on EU institutional provisions, which had remained unsolved in the earlier IGC but which were pressing in view of the forthcoming Eastern enlargement. The need to consider another reform of the CFSP provisions was widely considered as being premature, and only slight legal

adaptations seemed necessary. These would reflect recent dynamism in certain areas of CFSP without, however, provoking a debate on sensitive issues, particularly in the area of security and defence policy.

Nevertheless, matters of European security and defence were not completely out of sight. The EU's experience with the Kosovo crisis and the altered course in British policy towards an autonomous European capacity produced unexpected dynamics in CFSP practice (Jopp, 2000, 243; Regelsberger, 2000, 233). The Fifteen entered into intensive deliberations on an EU Rapid Reaction Force and on institutional and organisational adaptations (Military Committee, Military Staff). As in the early days of EPC these new steps started informally and were then gradually lifted to the European Council level.

The outcome (Regelsberger, 2001; Algieri, 2001; Wessels, 2001) of the third IGC, which ended with the Nice European Council in December 2000 and the signature of the new treaty of 26 February 2001, offers an extension of majority voting for CFSP in the case of the appointment of the High Representative for the CFSP – and Secretary General of the Council – (Art. 207 EC Treaty Nice Version (N.V.)) and of nominating special representatives (Art. 23, 2 TEU N.V.). In institutional terms the treaty revision formulates incremental adaptations: the Political Committee, traditionally the central CFSP body to prepare and implement ministerial decisions, plays a growing role particularly in cases of crisis management operations (Art. 25 TEU N.V.). Its new function is also reflected in a change of name to Political and Security Committee (PSC or Comité Politique et de Sécurité, COPS), while other details, such as its composition, location or the chairmanship, are by intention

not fixed in the treaty itself but through a European Council decision (Decision 01/78/CFSP of 22 January 2001).

Furthermore, the Nice Treaty foresees adaptations in Art. 17 TEU, which correspond to an earlier decision of the WEU Council to transfer major functions of this organisation to the EU (except for the mutual military assistance clause of the contracting WEU parties according to Art. 5 of the modified Brussels Treaty) – an almost revolutionary development, if one recalls that even the gradual integration of the WEU bodies into the EU before 1998 led to massive disputes among the Fifteen.

Finally, it is worth mentioning that the heads of state and government agreed to introduce “enhanced co-operation” to the second pillar as well (Art. 27a-e TEU N.V.; Regelsberger, 2001, 159; Wessels, 2001, 205). Based on the conviction that in an enlarged EU situations might occur in which a group of the “willing” could go ahead with a “specific policy serving the common interests and objectives of the CFSP”, the articles mentioned suggest an enhanced cooperation of at least eight member states in those cases where the implementation of a joint action (Art. 14 TEU) or a common position (Art. 15 TEU) cannot be carried out by all. However, enhanced cooperation “shall not relate to matters having military or defence implications” (Art. 27 b TEU N.V.). This limitation to specific cases counters initial ideas of some governments to make the provisions applicable also for the sensitive area of security and defence where unanimity might be difficult to achieve. However, the modest compromise reached in Nice after long controversies also had to pay tribute to the concerns of several small member states, which feared being marginalized and excluded from core groups – an experience they had

witnessed already in the course of the Bosnia Contact Group and the Kosovo crisis (Algieri, 2001, 162; Regelsberger, 2001, 160). Also larger member countries, like the UK, were opposed to such a clause.

Nice by no means signals the end of CFSP reforms. Though the post-Nice process as defined by the Nice Council in 2001 (Declaration No. 23: Declaration on the future of the Union, Treaty of Nice) does not directly mention CFSP, it is not excluded either. The further institutionalisation of the (Common) European Security and Defence Policy ((C)ESDP) infrastructure in Brussels might create the need for new rules in the not too distant future. 11 September 2001 might turn out to be another factor in accelerating the EU's ambitions to establish military capacities and to base CFSP on firmer institutional and procedural grounds. In their latest drive for designing a European "constitution" (Laeken European Council, 2001) the heads of government put certain issues on the CFSP agenda:

"the European Council has decided to convene a Convention composed of the main parties involved in the debate on the future of the Union. In the light of the foregoing, it will be the task of the Convention to consider the key issues arising for the Union's future development and try to identify the various possible responses" (Laeken Declaration – The Future of the European Union, 15.12.2001).

The Nice Version and even more the agenda for the next steps "towards a constitution" (Laeken Declaration) illustrate the still unfinished nature of the CFSP: elements of communitarisation were inserted into a refined system of inter-governmental mechanisms. The ambiguity in terms of the final result



remains. The masters of the treaties have not constructed a constitution, which would follow conventional federal patterns, but it is also necessary to have a look beyond “the legal constitution” (Olsen 2000, 6) at the real patterns of the “living constitution” (Olsen 2000, 6).

### **3. Real patterns towards a de facto federalisation**

After several steps of constructing an institutional and procedural set-up, the EU and its member states today dispose of a unique “legal regime” (Smith 2001) or “CFSP legal order” (Wessel, 1999) to jointly formulate and implement CFSP including matters of European security and defence. However, the real modes of governance still have to be analysed. This “living constitution” is reflected in the patterns of engagement of actors, as well as the use of the procedures, especially for producing policy outcomes.

#### **3.1. Brussellisation: mobilisation without communitarisation**

As constitutional developments above illustrate, both the number and variety of actors in the CFSP and ESDP of today have little in common with the early days of the EPC and are beyond the already more sophisticated system of the early nineties (Bretherton and Vogler, 1999). More and more national and community actors use an ever-growing institutional set-up.

In 2002, the second pillar of the EU has at its hierarchical top the European Council, which meets at least twice a year according to the TEU (Art. 4 TEU Nice Version). In reality at least the same number of informal sessions has to be added. Its task is to provide overall guidance and to define the principles of the CFSP including those on defence. In times of crisis the European Council will meet at a short notice.

This Council in its composition of foreign ministers and, if needed, including the ministers of defence – a clear novelty since 2000 – prepares the discussions of the European Council and is politically responsible for all main decisions in CFSP. What had seemed unthinkable in the first two decades of the EPC has now become normal, i.e. foreign ministers meet in the Council at monthly intervals to discuss all foreign and security issues.

At the administrative level we witness a “Brussellisation” of the diplomatic apparatus and thus the creation of a “core network” (Dyson and Featherstone, 1999; Wessels and Linsenmann, 2002). The constant broadening of the CFSP agenda has given rise to intensive use of a great number of working parties for regional subjects like the Middle East or Latin America, as well as for functional topics like human rights issues (Wessels, 2000, 181). Other expert groups, like the one on civil crisis management, were established recently to improve the Fifteen’s performance in ESDP. Another category of groups deals with the proper functioning of the CFSP itself, such as the European correspondents of the national foreign ministries and their close association with the EC business, especially the group of political councillors in the permanent representations of the EC member states. The working parties meet at regular intervals, twice per presidency or more frequently, and report regularly to the PSC, the key institution at diplomatic level in CFSP.

Since its inception under the Swedish presidency in the first half of 2001, this body works at high speed, i.e. in twice-weekly meetings. This could accelerate the CFSP decision-making process. The fact that the members of the PSC are by intention permanently placed in Brussels, and that they should be high-level officials/ambassadors from the permanent representations of EU

member states to the Union (according to Council Decision 01/78 CFSP of 22 January 2001) could open the way not only for a better daily coordination between the CFSP and EC pillar for the sake of consistency, but also for a strengthening of the common European interests against concerns voiced in national capitals. However, the work of the PSC cannot successfully be done without a constant link to the foreign ministries of the Fifteen.

The installation of the EU Military Committee and the establishment of the EU Military Staff in the Secretariat General of the Council at a size of 130 officers (as of 2001 onwards) represent a considerable increase in scope and complexity of the present institutional structure of the CFSP.

This “Brussellisation” could have similar socialisation results as the early EPC did before it, especially as many actors have already shared experiences within NATO bodies. However, the very different administrative cultures and working methods of the military as well as of the Council Secretariat and the foreign offices could produce some dividing lines in the day-to-day work. Some experts even speculate that there is something like a “fourth pillar” in the making by the military establishment.

The post of the High Representative for the CFSP, to which the former NATO Secretary General Javier Solana was appointed in 1999, represents another major feature of the institutional innovations of the late nineties. Meanwhile, he enjoys considerable authority both among the Fifteen and outside the EU borders (Frisch, 2000). In spite of the strengthening of the High Representative, this position has not turned into a European Foreign Minister. In times of crisis large member states develop their own profile – putting the

European spokesman on a lower level. The “rise” of other actors in CFSP, especially of the High Representative for the CFSP, also generated competition with the European Commission as the “spokesperson” of the EU.

### **3.2. Operating foreign policy**

For a systematic overview of the patterns of real activities we will take a look at the policy results made public. The policy output of today’s CFSP has largely increased compared to what the EPC had produced before. Both in terms of quantity (i.e. agenda according to regional and functional issues) and of quality (i.e. differentiation of instruments and contents) the difference is striking.

Declarations have remained an adequate tool to do so despite the harsh and often unjustified criticism of a “mere declaratory” European diplomacy. Third parties often confirmed that “words” may have a significance in foreign policy, though they may not always be sufficient to demonstrate the EU’s self-claimed capacity to act.

In order to become more proactive in its performance the Maastricht Treaty introduced the new instruments of “joint actions” and “common positions”. “Joint actions” are to express a particular interest of the EU and its member states towards a country or region that manifests itself in visible activities “at place” (Art.14, 1 TEU AV). They refer to geographical zones close to the EU like the former Yugoslavia, Russia or the Middle East. The election observations in Russia, in South Africa and the Occupied Territories in the first half of the nineties can serve as examples for such very concrete decisions limited in time and staffed with operational resources. Today joint actions

cover, among other things, the work of the EU's special representatives who help to bring stability and peace to other world regions. Joint actions also include the EU's support for the UN administration in Kosovo, assistance in the setting-up of police forces in Albania and the EU Monitoring Mission in the Federal Republic of Yugoslavia.

The other new instrument, the common strategy, introduced with the Amsterdam Treaty in 1999, has been used three times so far. Designed to express the EU's vital interests towards a country or a region by formulating a comprehensive approach, it is not surprising that Russia, the Ukraine and the Mediterranean have been given a priority, but strangely enough not yet the Balkans. Common strategies seem to play a helpful role in terms of coherence of EC, CFSP and national policies (Schmalz, 1998) because the formulation of the text requires a lot of consultation among the actors involved at the different levels and fosters a harmonisation of views among them. The formal instruments of the EU have thus been used extensively and proved their use (except for strategies). However, in many cases they are not (yet?) the "arms" of an effective global player.

#### **4. Preliminary conclusions**

The dynamics of the EU system and the differences of the present institutions and procedures will create sufficient incentives for the heads of government to take a decisive step towards some kind of supra-national/federal set of rules for running an efficient and effective CFSP. Challenges and shocks from the international system will be perceived as pressure pushing national politicians towards common approaches perhaps starting with a rather incremental

method. Proposals in this sense have already been presented by some politicians.

Foreign and especially defence policies remain on a plateau that gives national actors sufficient opportunities for autonomously using their own paths if this is perceived to be necessary. This policy area would stay resistant to process of federalisation. The heads of government will take further steps towards a rationalisation in the next IGC, but they will not cross the borderline towards supra-national modes of governance.

A trend towards a more federal character of CFSP cannot be identified without contradiction. As regards the institutional evolution, it became clear that there is a highly fragmented process of supra-national decision making, leaving the key competencies to the member states and establishing consensus as the central procedure (federalisation as institutional development). On the other hand, as regards the involvement of actors from different levels and their increasing socialisation in the Brussels arena, CFSP has become less hermetic, more open and transparent, and also more inclusive (federalisation as a social and communicative process). Both aspects of federalisation are closely linked, but put emphasis on a different set of factors.

It could be expected that the federalisation of CFSP will continue not only – and perhaps not even primarily – on the institutional track, but rather in social and communicative channels leading to further commitments by actors (like ministers, military decision-makers, diplomats, members of the European Parliament, Commission staff) and enhancing mutual learning and discursive

practice, which again could serve as an incentive for further reforms in the institutional sphere.

## **5. Testing CFSP: the case of the European Union after 11 September 2001**

### **5.1. Reactions to the terrorist attacks within the EU**

The terrorist attacks against the World Trade Center in New York City and the Pentagon in Washington, D.C. on 11 September 2001 prompted an immediate and unequivocal reaction from the EU and its member states. In several declarations and press statements representatives of the EU institutions and the member states voiced their condemnation of the acts, their compassion for the American people and support for the United States government.

Three days after the shocking events, in a joint declaration of 14 September the heads of state and government, the presidents of the European Parliament and the European Commission and the High Representative for the CFSP expressed their “complete solidarity”<sup>1</sup> with the United States. They also harshly condemned the authors of the terrorist acts and promised to undertake all efforts necessary for bringing those responsible to justice. Among the consequences to be drawn for the EU itself, the declaration summed up four points:

- A commitment to global justice and democracy and the promotion of an international framework of security and prosperity, and a contribution towards global action against terrorism;

- The continuation of the development of the CFSP with a view to ensuring that the EU would be able to speak out clearly and with one voice;
- The evolution of ESDP into an operational tool, including efforts to strengthen intelligence for fighting terrorism;
- The swift implementation of a genuine European judicial area including a European warrant for arrest, and the mutual recognition of legal decisions and verdicts.<sup>2</sup>

At a special European Council meeting in Brussels on 21 September 2001, the heads of state and government stressed their support for the United States and defined themselves as part of the international coalition against terrorism.<sup>3</sup>

The EU policy to combat terrorism included enhancing police and judicial cooperation (e.g. by introducing a European warrant of arrest, drawing up a list of terrorist organisations, or concluding agreements between Europol and United States authorities), developing international legal instruments, putting an end to the funding of terrorism, strengthening air security and coordinating the EU's global action.<sup>4</sup> As to the EU's international dimension, it was stated:

“(i)t is by developing the Common Foreign and Security Policy (CFSP) and by making the European Security and Defence Policy (ESDP) operational at the earliest opportunity that the Union will be most effective”.<sup>5</sup>

At first glance, the political intention to give a European answer to the radically changed international situation, and to adopt common approaches was visible. Of special interest was the will to strengthen CFSP. Indeed, the post-



11 September phase was a crucible for European efforts to coordinate and streamline foreign policies of the EU member states. This idea could find sufficient legitimacy by the wording of the TEU. Art. 11 TEU states that “(t)he Union shall define a common foreign and security policy covering all areas of foreign and security policy”, whose objectives will be among others “to strengthen the security of the Union in all ways” (Art. 11.1 TEU). Furthermore the treaty provides that “(t)he member States shall support the Union’s external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity” (Art. 11. 2 TEU), and that:

“(t)he member states shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations” (Art. 11.2 TEU).

Article 16 of the TEU states that:

“member states shall inform and consult one another within the Council on any matter of foreign and security policy of general interest in order to ensure that the Union’s influence is exerted as effectively as possible by means of concerted and convergent action”.

On the other hand, it must be remembered that the obligations under the TEU did not reveal the strong supra-national features as in the case of the EC. A crucial question therefore was to what extent the member states took these provisions seriously and acted according to common principles. The tension between national and European policies should become a key feature of the post-11 September development.

## **5.2. Growing tensions within the EU: the myth of a common foreign policy?**

When the United States started to build up an international coalition against terrorism, the major European countries lined up and offered their support. Great Britain actively took part in the preparation and implementation of military operations in Afghanistan that started on 7 October 2001. France and Germany also made their contribution, although they were not directly involved in the attacks against the Taliban regime. These three countries played a major role for the United States in the European context, while the EU as an organisation was not regarded as a central actor.<sup>6</sup> At this initial stage, different patterns of engagement of the EU countries became visible. Apart from Britain, France and Germany, other member states like Italy or Spain offered military support, but were not considered by the United States; a third group of countries did not offer military resources for different reasons. Furthermore, domestic political conditions in the EU countries were highly divergent, especially concerning public support for United States policy (*The Independent*, 6.11.2001). Therefore it was extremely difficult to find a coherent approach among the EU in operational terms.

The EU as such did not appear as a key factor that also had political consequences:

“The United States seeks legitimacy from Europe but picks its partners according to the task at hand. EU leaders decide a common policy in Brussels but action is devolved to European capitals. The trouble is that this approach does not match the Maastricht Treaty blueprint of a common European foreign

and security policy, in which all 15 EU members are supposed to move in step” (Barber, 2001).

Britain, France and Germany tried to closely coordinate their activities, as the key European allies of the United States. On the fringe of the European Council at the Belgian city of Ghent on 19 October 2001, the heads of state and government of these three countries met separately before the official summit in order to undertake mutual consultations (*The Guardian*, 22.10.2001). This huis clos aroused the severe criticism of the Belgian Presidency, of the smaller member states, of the European Commission and of Spain and Italy – for not belonging to the exclusive club of the three countries. It also led to warnings against a Europe “dominated by great powers” (*Financial Times*, 19.11.2001), or a “directorate” (*Financial Times*, 16.11.2001); the “end of European common foreign and security policy” (*Corriere della Sera*, 19.10.2001) was even invoked.

But the secrecy of the “Big Three” was not the only problem existent within the EU; there were divergences among the member states as to how far solidarity with the United States should go. A number of countries – reportedly Ireland, Austria, Finland and Sweden – rejected unconditional support for the United States as a kind of carte blanche in the fight against terrorism (*BBC Monitoring Service*, 12.11.2001). At the Ghent summit, the initial wording of the final declaration was watered down, not calling for an overthrow of the Taliban regime, at the insistence of some (non-NATO) member states which regarded the original version as too “interventionist” (*Irish Times*, 20.10.2001; *The Independent*, 20.10.2001). So officially solidarity with and support for the

United States was repeated in strong wording, but different standpoints loomed in the background.<sup>7</sup>

Some observers assessed these developments as a proof of the EU's inability to be or even to become a serious international actor, and of the persistence of nation states as central actors in foreign policy.

However, the protests against the Ghent mini-summit showed an impact.

Some weeks later, the British prime minister Tony Blair felt urged to invite a number of additional guests to what should have been a British-French-German consultation on 5 November 2001 in London on the ongoing military operation in Afghanistan. The Italian, Spanish and Dutch heads of government, the Belgian prime minister as President of the European Council, and finally Javier Solana as the High Representative of the CFSP were also asked to attend. The fact that the invitation had been extended to further EU partners could be regarded as a proof of a "bad conscience" and reflected that the sensitivities of the EU partners could not be ignored. In the aftermath, Tony Blair also tried to convince the United States administration to accept help offered by the other European countries, thus honouring their efforts in mobilising resources for the fight against terrorism.

But the chain reaction did not stop there: protests against the London mini-summit were raised internally by other smaller countries like Portugal, Austria and Greece, with support from the Nordic states (*The Independent*, 6.11.2001) that had not been considered for participation. Thus, an uneasy feeling remained leaving the impression that the EU as such was not able to coordinate and harmonise the views of the member states efficiently.

The United States in general did not care too much about the internal EU quarrel; talks were held with EU representatives in a number of compositions, but without allowing them to play a substantial role in support for the United States operations in Afghanistan. On 20 September, a joint EU-US ministerial statement was issued on combating terrorism; Secretary of State Powell met with the Troika on 20 September 2001; the President of the European Council, Guy Verhofstadt, and Commission President, Romano Prodi, met with President Bush on 28 September 2001 and informed him about the results of the European Council from 21 September. These consultations were part of a very dense and rich list of contacts that the American administration established with third countries at different levels in order to build up and strengthen the international coalition against terrorism, but it did not acquire a special importance for Washington. On the other hand, as regards the stabilisation of the international financial system after 11 September, the EU did play a substantial role due to its increased weight in global monetary politics. This was, however, a setting distinct from the military field.

### **5.3. After the crisis: ups and downs in coherence?**

The situation turned more positive for the EU when the military operation in Afghanistan finally showed success and led to the overturn of the fundamentalist regime in Kabul. After the defeat of the Taliban rulers, a new political order had to be found for the country. Under the auspices of the United Nations (UN), a conference was organised in late November 2001 near Bonn bringing together the major anti-Taliban groups. They should negotiate an agreement on a post-war order for Afghanistan and could count on

promises by the international community (including the EU at the forefront) for substantial reconstruction assistance.

One important consequence for the EU was that the discourse about retaliation that had dominated the last weeks switched into a discourse about reconstruction. This made it possible to reconcile public opinion which had become increasingly critical of the United States attacks in all major EU countries, but it also served to better streamline the positions of the EU member states; they agreed upon several key issues like the need for building up Afghanistan, and for providing humanitarian assistance and economic support. Further, they also found a common line in assessing a major consequence of the crisis in the re-launching the Middle East peace process.

What the EU has managed to agree to in a common approach is a long-term agenda for the fight against terrorism (Howorth, 2002, 3) including emphasis on the role of the UN, fresh efforts in the Middle East peace process, and the creation of a global system for security, prosperity and development (Howorth, 2002, 3).

On the other hand, solidarity with the United States became disputed in the wake of American persistence regarding the possibility of extending the focus of attention to further countries, opening common ground in the EU for foreign policy coordination. President Bush's statement about the "axis of evil"<sup>8</sup> was sharply rejected by most EU partners and reflected a growing uneasiness about the American fight against terrorism (*Le Monde*, 14.03.2002). With a view to EU policy towards Iran and Iraq, there could be a fundamental disagreement with the United States administration. The EU is not willing to

break up dialogue with Teheran and insists (in a majority) on diplomatic pressure on Saddam Hussein to abide by the relevant UN resolutions concerning weapons instructions. One open question will be if Britain follows the United States' track and participates in possible military action against Baghdad; Tony Blair at least gave some hints that this could happen (*Financial Times*, 3.03.2002).

Coherence among the EU countries has shown signs of ambiguity since; the apparent United States decision to extend the targets of the fight against terrorism to Iraq or other countries, has created difficulties for the EU member states. At a time when the Bush administration seemed to prepare for military action against Baghdad, different positions were taken by the larger EU countries.

While Germany rejected a military engagement in Iraq, even in the case of a UN mandate, Britain has been most loyal to the United States; finally, France signalled a preference for a clear and stated legitimation through the UN.

In particular, the formula of a "German way" as coined by Chancellor Schröder during the election campaign was received with enormous mistrust and disapproval by the European partners. After the elections of 22 September and the victory of the ruling coalition, it will take time to re-establish a cooperative relationship with Washington; another imminent challenge, however, will be to find a common European approach. There is no alliance or coalition within the EU that could become the nucleus of a European position. A long-term strategy on the fight against terrorism based upon social and economic stability, a distinctive way of dealing with problem countries like Iran

and a high appreciation for the role of the UN could nevertheless constitute features of a European Union approach after 11 September distinctive from the United States.

#### **5.4. Conclusions to be drawn: strengthening the EU**

What are the main factors and elements in the EU performance in CFSP after 11 September how can they be assessed and what consequences can be drawn from these findings?

In assessing the CFSP's performance after 11 September it is therefore necessary to distinguish between the short-term and the long-term implications (Howorth, 2002). It is true that the EU was not a decisive, or a convincingly unified actor in the first months after the crisis. Signs of increased coherence had been visible for a certain time after the overturn of the Taliban regime. As in former times of EU history, such as the conflicts in former Yugoslavia, the EU has proved its capacity to draw consequences from failures and setbacks. This could lead to a strengthening of CFSP and a boost to the realisation of the ESDP.

Recently, the EU countries failed to coherently define a position towards United States policy against Iraq. This led to a situation where the EU was not able to act as an effective international actor.

It has become clear that coordinating or even harmonising foreign and security policy positions among the EU member states is still a cumbersome task. In CFSP the first basic question is whether the member states actually use the TEU in a given situation or decide not to do so. The degree to which they consult each other on a matter of foreign and security policy of general



interest (according to Art. 16 TEU) cannot be judicially defined, but is left to the discretion and judgment of national governments. The fact that Britain, France and Germany held trilateral consultations on the military operations in Afghanistan was largely considered by the other partners as a disregard of EU solidarity and consistency.

But there was, by the “Big Three”, a publicly demonstrated effort to avoid the impression of being “free-riders” or creating an exclusive club. The decision to extend the guest list to the London summit in October 2001 can be regarded as an expression of these endeavours. Without the existing CFSP procedures and the rooted traditions among the EU countries this would most probably not have happened. CFSP does make a difference – even if it is by voicing protest against a lack of European solidarity and by creating a “bad conscience” among certain governments for having broken certain rules. As mentioned above, social and communicative processes are to be taken seriously and play a role in CFSP.

After the military campaign in Afghanistan the situation first relaxed, but then the EU was not able to define a coherent position; diplomatic and political action appeared as inconsistent. This was due to diverging interests voiced at national level, as well as to the primacy of domestic politics over European and international strategies, and not least also to the change in the international situation and the approach taken by the United States. External factors and powers like the United States are still of essential importance for the definition of the EU’s foreign and security policy.

## **6. What recommendations should be derived from the findings?**

The EU should increase its efforts to acquire capabilities in a broad range of policies; therefore the speedy development of ESDP should be a priority putting emphasis not only on military, but also on civilian capacities for crisis management. Only with efficient capabilities will the EU be able to be regarded as a serious actor in its own right.

The institutional set-up of the CFSP should be further concentrated and rationalised. The High Representative should become a true spokesman of the EU in an international crisis like that of 11 September and represent the member states' views to third partners, possibly at the expense of the Presidency.

The link between CFSP and the European communities should be strengthened in order to efficiently manage complex policies requiring diplomatic as well as economic and financial resources. In the long term the closer connection between the External Relations Commissioner and the High Representative of CFSP should not be regarded as a taboo, although it should not be taken as a universal remedy.

Finally, the EU should further develop not only the institutional dimension of CFSP, but also try to improve the social and communicative interaction among the member states. This could be managed by practical steps like fostering interaction and exchange among diplomats, for example by creating a European Diplomatic Academy whose program could become part of the career training of national civil servants, including elaboration of and training

for scenarios like that of 11 September. What the aftermath of 11 September has shown is that national and domestic considerations still overshadow European and international politics. The generation of a group of Europeanised experts and diplomats, but increasingly also political decision-makers, should not replace, but provide a counterweight to the influence of national capitals.

## References

Algieri, F., 2001. *Die europäische Sicherheits- und Verteidigungspolitik – erweiterter Handlungsspielraum für die GASP. In: W. Weidenfeld, ed. Nisza in der Analyse.* Gütersloh: Verlag Bertelsmann Stiftung, 161-201.

Barber, L, 2001. Europe's 'Great Powers' Break Rank: As the Afghan crisis Goes on, Washington's Preference for *ad hoc* Co-operation is Creating Cracks in European Unity. *Financial Times*, 6.11.2001.

Copenhagen Report, 1973. Second Report of the Foreign Ministers to the Heads of State and Government of the Member States of European Community of 23<sup>rd</sup> July 1973 (Copenhagen Report), *In: C. Hill and K. Smith, eds. European Foreign Policy, Key Documents.* London and New York. Routledge, 2000, 83-92.

Declaration No. 23: Declaration on the Future of the Union, Nice Treaty. *In: Official Journal of the European Communities C80 of 10.03.2001*, 85-86, [ue.eu.int/en/sum.htm](http://ue.eu.int/en/sum.htm).

Dyson, K. and Featherstone, K., 1999. *The Road to Maastricht. Negotiating Economic and Monetary Union.* Oxford: Oxford University Press.

European Council, 2001: *Laeken Declaration – The Future of the European Union*, 15.12.2001, Doc. SN 273/01.

Frisch, T., 2000. *Der Hohe Vertreter für die GASP - Aufgaben und erste Schritte*. Ebenhausen: Stiftung Wissenschaft und Politik.

Genscher and Colombo, 1981: Draft European Act Proposal by the German and Italian Foreign Ministers (The Genscher/ Colombo Plan), 12 November 1981. In: C. Hill and K. Smith, eds. *European Foreign Policy, Key Documents*. London and New York: Routledge, 2000, 120-125.

Howorth, J., 2002: DESDP after 11 September: From Short Term Confusion to Long Term Cohesion? *EUSA Review*, 15, (1), 1-4.

Jopp, M., 1997. The Defence Dimension of the European Union: The Role and Performance of the WEU. In: E. Regelsberger, P. de Schoutheete de Tervarent and W. Wessels, eds. *Foreign Policy of the European Union – From EPC to CFSP and Beyond*. Boulder and London: Lynne Rienner Publishers, 153-169.

Jopp, M., 2000. Gemeinsame Europäische Sicherheits- und Verteidigungspolitik. In: W. Weidenfeld, and W. Wessels, eds. *Jahrbuch der Europäischen Integration, 1999/2000*. Bonn, 243-250.

London Report, 1981. Report on European Political Cooperation Issued by the Foreign Ministers of the Ten on 13 October 1981 (London Report). In: C. Hill and K. Smith, eds. *European Foreign Policy, Key Documents*. London and New York. Routledge, 2000, 120-125.

Luxembourg Report, 1970. First Report of the Foreign Ministers to the Heads of State and Government of the European Community of 27 October 1970 (Luxembourg Report). *In: C. Hill and K. Smith, eds. European Foreign Policy, Key Documents.* London and New York: Routledge, 2000, 75-79.

Monar, J., 2001. Justice and Home Affairs after Amsterdam: The Treaty Reforms and the Challenge of their Implementation. *In: J. Monar and W. Wessels, eds. The European Union after the Treaty of Amsterdam,* London, 267-295.

Nuttall, S., 1992. *European Political Cooperation.* Oxford: Oxford University Press.

Olsen, J.P., 2000. *Organising European Institutions of Governance. A Prelude to an Institutional Account of Political Integration.* ARENA Working Papers WP 00/2.

Regelsberger, E., de Schoutheete de Tervarent, P and Wessels, W., eds., 1997. *Foreign Policy of the European Union – from EPC to CFSP and Beyond.* Boulder and London: Lynne Rienner Publishers.

Regelsberger, E., 2000. Gemeinsame Außen- und Sicherheitspolitik. *In: W. Weidenfeld and W. Wessels, eds. Jahrbuch der Europäischen Integration 1999/2000.* Bonn, 233-242.

Regelsberger, E., 2001. Die Gemeinsame Außen- und Sicherheitspolitik nach “Nisza” – begrenzter Reformeifer und außervertragliche Dynamik in der ESVP. *Integration 2/01,* 156-166.

Regelsberger, E. and Schmalz, U., 2001. The Common Foreign and Security Policy of the Amsterdam Treaty: Towards an Improved EU Identity on the International Scene. *In: J. Monar and W. Wessels, eds. The European Union after the Treaty of Amsterdam*. London and New York: Continuum, 249-266.

Reinhardt, R. and Wessels, W., eds. 1978. *Die Europäische Politische Zusammenarbeit*. Bonn: Europa Union Verlag.

Schmalz, U., 1998. The Amsterdam Provisions on External Coherence. Bridging the Union's foreign Policy Dualism? *European Foreign Affairs Review*, 3, 421-442.

Schoutete, P. de, 1986. *La Coopération politique européenne*. Brussels: Labor.

Smith, M.E., 2001. Diplomacy by Decree: The Legalisation of EU Foreign Policy. *Journal of Common Market Studies*, 1, 79-104.

Wessel, R.A., 1999. *The European Union's Foreign and Security Policy. A Legal Institutional Perspective*. The Hague, Boston and London: Kluwer Law International.

Wessels, W., 1997. An Ever Closer Fusion? A Dynamic Macropolitical View on Integration Processes. *Journal of Common Market Studies*, 35 (2), 267-299.

Wessels, W., 2001. Nice results. The Millenium IGC in the EU's evolution. *Journal of Common Market Studies*, 39(2), 197-219.

Wessels, W. and Linsenmann, I., 2002. EMU's Impact on National Institutions: Fusion Towards a "ouvernace économique" or Fragmentation? *In: K. Dyson,*

ed. *European States and the Euro: Playing the Semi-Sovereignty Game*.

Oxford: Oxford University Press.

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<sup>1</sup> See Joint Declaration by the Heads of State and Government of the European Union, the President of the European Parliament, the President of the European Commission, and the High Representative for the Common Foreign and Security Policy, Brussels, 14 September 2001.

<sup>2</sup> Ibid.

<sup>3</sup> See Conclusions and Plan of Action of the Extraordinary European Council Meeting on 21 September 2001, Brussels, SN 140/01.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> *BBC Monitoring Service* from 12 November 2001 comments: "When the towers in New York and parts of the Pentagon in Washington collapsed, George W. Bush did not ask for Europe's telephone number".

<sup>7</sup> See Declaration by the Heads of State and Government of the European Union and the President of the European Commission, Follow-Up to the September 11 Attacks and the Fight against Terrorism, 19th October 2001, SN 4296/2/01.

<sup>8</sup> See the President's State of the Union Address, 29 January 2002.