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## **CFSP and ESDP after enlargement**

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### ***ESDP at 25***

The debate started with an overall assessment of ESDP and the impact of enlargement on it. Four main 'paradoxes' were highlighted:

- according to a recent estimate, there are some 70,000 EU soldiers deployed in peace operations around the world, i.e. more than those foreseen in the Helsinki Headline Goal: this casts the traditional arguments on the shortage of available European forces in a different light;
- EU governments do not always tell their own citizens the truth about what is really happening in this domain: for instance, does 'neutrality' (and its preservation) still have a meaning in a situation in which Swedish special forces fight alongside the Americans in Afghanistan, Finland is not committed to the defence of Estonia, but Portugal and Belgium are?
- we seem to lack a new strategic bargain in the EU regarding the balance between solidarity and participation: the Amsterdam deal, whereby the 'Petersberg tasks' were incorporated in art.17 of the Treaty but WEU's art.V was not, looks outdated now, but no explicit consensus has been reached on a new one yet – should it be?
- the Union appears torn between declining self-confidence and growing ambition: we have been incapable of agreeing on many basic things (Iraq, Brussels European Council) but have also raised the stakes (Constitution, Security Strategy, 'battlegroups' etc.).

As for the impact of enlargement - 'perhaps the EU's most successful security policy' - it was pointed out that, historically, Central Europe has often had to choose camps and/or allies. A similar dilemma might resurface, the choice now being between the EU and the US. Clearly there is a preference not to have to make this choice at all. Iraq, however, has shown that there cannot be a CFSP if countries compete over who is the most faithful ally of the US. At the same time, as it was further argued, Iraq has destroyed three main illusions:

- 1) that support for the US means influence over the US,

- 2) that NATO is going to be the cornerstone of international security, and
- 3) that by avoiding engaging in a conflict, it is possible to avoid its consequences.

However, at which point exactly does belonging to the EU entail added value on the international scene? First of all, it makes dealing with globalisation easier, starting with the WTO framework. Furthermore, it may contribute to making the Balkans a success story, starting with Bosnia as a crucial test. In return, of course, the new partners add weight and legitimacy to EU deliberations and actions, although they share a broad and perhaps generic fear of losing control of their own foreign and security policy.

- **Specific attention was devoted also to the new partners' *pro-Americanism*.** While it was noted that it is often directly proportional to anti-Russian sentiments and declining the more one goes southwards (from Estonia down to Cyprus), it was also argued that things might well change shortly. The experience of Iraq, although very specific and hardly repeatable, has conveyed a feeling that the moral debt to the US has perhaps now been almost entirely repaid. So will the transatlantic 'reflex' still be there for the next crisis? Incidentally, this is a question that may concern also some 'older' member states. Moreover, coalitions of the willing are not particularly attractive to Central Europeans, neither is 'pre-emption' per se, or 'regime change' as a general policy. By contrast, multilateralism is very attractive indeed, all the more so since the US has already proved quite brutal in trade negotiations. Finally, the reality of life in the EU will have an impact too, in terms of socialisation as well as interests.

- **What is less likely to change, however, is the new partners' approach to *Russia*:** the Central Europeans in particular still perceive Moscow as being part of the problem rather than of the solution, while West Europeans prefer either to flirt with Russia bilaterally and/or in the UN Security Council, or to keep harbouring what a participant called the 'Olof Palme syndrome', whereby human rights abuses mattered most the farther away they occurred from Stockholm. Two asymmetries were stressed in this respect, both involving the contents and the tenor of the strategic debate: an asymmetry of perception (the key international issues in the 'old' EU are US policy and the Middle East, in the 'new' only Russia, whatever it does or says) and an asymmetry in Russian/CIS expertise (a shrinking expert community in the West, an exclusively focussed one in Central Europe). To most 'old' members, the real danger East of the enlarged Union is chaos, not aggression, although it is true that such a vision has often facilitated Moscow's play with the different Western capitals – not unlike Washington's, for that matter. A participant went as far as to say that CFSP's biggest failure so far is notably in its dealings with the big powers: the US, Russia and, to a lesser extent, China.

What about the foreseeable future then? On the one hand, the way in which Washington is going to deal with Putin in the years to come is a big unknown in itself: to paraphrase Zbigniew Brzezinski, Moscow wants to be at the same time an 'empire' and a 'democracy', but may not be able to have it both ways. On the other hand, the Russian 'near abroad' and the Union's 'new neighbourhood' critically overlap: this is bound to become a bone of contention in bilateral relations and may also become one within the EU. The 2002 negotiations over the transit to and from Kaliningrad showed the differences among old and new members, putting the European Commission between a rock and a hard place. By contrast, on the issue of extending the PCA to the new partners, the same Commission has

been (made) able to hold a common line and bring Russia to accept the deal on offer. The next test case may well be Ukraine, for which a couple of participants raised the possibility of a 'Moldovan scenario'. It should be borne in mind that Romania's accession may also raise delicate bilateral issues. More generally, however, what the new Central European partners do not like to hear - it was argued - is a selective reference to *history*: if the EU integration process is all about learning history's harsh lessons, why should this not apply equally to *their* experience in the XX<sup>th</sup> century? All the more so since the logic of power will continue to matter in the XXI<sup>st</sup>, certainly more than in the 1990s.

### *Neighbours or partners?*

- **The debate then focussed on the new 'neighbourhood' proper.** It was argued that the new neighbours now feel nearer, also in terms of 'mental' geography. But how important is for instance Ukraine to the whole of the EU? How many resources have to be devoted to Ukraine? Shall the Union – it was said – follow the 'Konrad Lorenz approach' (a country never 'imprinted' with Western values is doomed never to be)? Or shall Ukraine try to force the Union's hand by adopting the 'Groucho Marx approach' (give me your money or I blow myself up)? More generally and more importantly, will the new members try to formulate policy for the whole Union? Poland has recently tried to do so, with regard notably to Ukraine, but rather in terms of extending Polish policy to the entire EU than of outlining an acceptable approach for all partners. Similarly, the Visegrad 'bloc' is trying to develop its own Eastern policy programme, but residual bilateralism and lingering competition among the four countries over who should lead on a given issue still persist. At any rate, there is a difference between considering a country (e.g. Ukraine) 'important' and supporting it for future EU membership. And this may apply also to budgetary priorities and assistance programmes, which are likely to become a defining issue over the forthcoming months in the internal debate of the enlarged EU.

The latest Commission paper on the New Neighbours – and someone wondered whether the disappearance of the 'Wider Europe' concept means that the countries in question are no longer considered as 'European' – was the object of some comments. For instance, it was underlined that it is ambivalent about Russia, it clearly excludes Belarus and Libya, while it includes the Southern Caucasus. The broader issue, however, was seen as being whether the EU aims at a stable *status quo* or at a more unstable *transformation* in its neighbourhood. Is the latter possible without the prospect of eventual accession? And, if so, what would be the rewards for successful transformations? Is there anything significant to be offered short of full membership? Accession 'lite' is not very attractive, it was noted: can we conceive of effective interim incentives that do not predetermine the final institutional outcome? Finally: is opening formal negotiations for accession a move from which there is no way back? The question is topical, especially regarding Turkey. Recently, the German Chancellor hinted that negotiations 'may fail' after all. For its part, the European Commission is assessing the possibility of changing the method in the negotiations – starting possibly with Croatia – by considering 'closed' the various chapters of the *acquis* only when the relevant legislation is enforced, rather than on the basis of promises made by the candidate – a method that, if applied rigorously, could have critical implications especially for Turkey.

In the face of all these problems, someone suggested the Union should lower the expectations of candidates and neighbours, aim at internal consolidation, and adopt a sort of ‘compassionate conservatism’ about further enlargement. Someone else proposed giving priority to NATO by demanding, first, further expansion of the Alliance (to Albania, FYROM, Croatia), then inclusion of Bosnia-Herzegovina and Serbia-Montenegro in the Partnership for Peace Programme. In other words, for the kind of stabilisation that seems necessary at this stage, while taking into consideration the overall mood and the foreseeable priorities inside the EU, it would be wiser to speed up and extend NATO’s next enlargement, and to slow down and contain that of the EU.

### *The Constitutional Treaty and beyond*

▪ The discussion then shifted to the IGC and ESDP agenda for the months to come. **Regarding the Constitutional Treaty**, it was observed that the most contentious issues are not related primarily to ESDP. On the contrary, those ESDP-related issues which had become somewhat contentious during and immediately after the Convention were tackled quite successfully between October and December 2003. As a result, the mutual defence clause was turned from voluntary to binding for all, but also ‘neutralised’ with balanced provisos. The ‘Defence Agency’ is already becoming a reality, thus depriving the relevant article of its divisive potential. The new solidarity clause against a terrorist attack has already been incorporated almost word by word into the European Council Declaration of late March 2004. Finally, ‘structured cooperation’ on defence was better articulated in its triggering and operating modalities and enriched with the relevant Protocol, spelling out the criteria for participation. Meanwhile, especially the military/operational criteria have been further specified in the ‘battle-groups’ concept and the Headline Goal 2010. Most of the potentially divisive aspects, in other words, have been reformulated to everyone’s satisfaction. At the same time, it was noted that a) the main novelty regarding ESDP/defence is that the Constitutional Treaty introduces *enabling* provisions where the previous ones had mostly *constraining* ones (. . . ‘does not apply to matters having military or defence implications’); b) ‘structured cooperation’, in particular, moves away from the voluntary approach that has prevailed to date to one based on firm commitments and a certification procedure.

What still remains open is related mainly to CFSP in general, namely

- a) the extent to which qualified majority voting (QMV) may/should be applied to CFSP matters, and
- b) the precise functions of the EU 'Foreign Minister'.

In ESDP, in fact, QMV is out of the question because

- c) it would not be considered acceptable in matters of life and death, while
- d) a large measure of 'flexibility' is already there in the implementation phase: such flexibility is even intrinsic to ESDP in that the policy is not based on an *acquis* (nor generates legislation) and entails no obligation to participate.

▪ **For QMV at large**, the issue is rather for which decisions to apply some measure of QMV? Most participants agreed that it would make little sense to apply it to strategic decisions: the losing side would probably not feel bound to respect the vote anyway, and open divisions would weaken policy. However, there is scope for using QMV more often (if necessary) in the implementation phase, including the implementation of general principles and guidelines, entailing, for instance, the imposition of sanctions. For common policies to work in an enlarged EU, at any rate, it was observed that some EU countries may have to find themselves faced with the alternative of being outvoted or being excluded.

▪ **With regard to the Foreign Minister**, some participants observed that the current/latest text of the Constitutional Treaty is not very clear about the exact attributions of the post, but also noted that this is a fact of (EU) life: lacking an explicit consensus, the solution can be determined by the choice of the first holder and his/her interpretation of the role of the post. Personality and style matter, in fact, as Solana's case has abundantly proved. The main risk, as someone argued, is that the first FM will be still considered as primarily a Commissioner by the Council, and as a Council 'Trojan Horse' by the rest of the Commission. It was also said that one of the many paradoxes over the coming 5 years or so is likely to be that, on the one hand, the Constitutional Treaty text will have to undergo a long and highly uncertain ratification procedure; while on the other, most of the provisions enshrined in it (especially those concerning ESDP) will already be effectively in place before and without the Constitution, since the main taboos concerning European defence have already been overcome, in practice if not in doctrine.

▪ **The final round of the conference was devoted to ESDP's operational agenda.** The first theme to be addressed was its *legitimacy*: it was observed, for instance, that after the Kosovo war had somewhat weakened the demand for strict (UNSC-based) legality in peace operations, the Iraq war and its aftermath have generated a tangible backlash effect. It was also noted that any future EU operation in Africa should take into adequate consideration African 'co-ownership' (someone even recalled former German Defence minister's Volker Rühle remark 'the Eurocorps is no Afrika Korps') and focus on the added value represented by acting as European Union. For their part, the Central Europeans elaborated on their half-heartedness about *Artemis* last year, mainly due to the fear of being dragged into areas of the world where they had no special interest, no direct experience or expertise, no extra resources to invest, and virtually no control over the conduct of the operation. But most participants wondered whether the fight against terrorism (externally as well as internally) should not be placed much higher on the ESDP agenda – including the research agenda of the EUISS.

## List of Participants

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