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THE CONVENTION AND COMMON FOREIGN & SECURITY POLICY

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THE CONVENTION AND COMMON FOREIGN & SECURITY POLICY

Executive Summary

The Convention on the Future of Europe has been discussing the European Union's (EU) common foreign and security policy (CFSP) against the background of the Iraqi crisis and the threat of international terrorism, two issues which have exposed deep divisions between Member States and between the EU and the United States (US). Speaking on 27 February 2003, Valéry Giscard d'Estaing stated that mutual trust had been shaken and the Iraqi crisis had cast a long shadow over the work of the Convention. Many editorials questioned whether the Union should bother with CFSP. Some observers suggested that it should be put into cold storage or simply concentrate on the EU's immediate neighbourhood. Both suggestions are wrong.

The CFSP has made steady progress since its inception almost a decade ago in very difficult circumstances. It survived a baptism of fire in the Balkans and gradually began to develop common positions and policies on a wide range of geographical (e.g. Middle East) and functional (e.g. arms control) issues. The parallel European security and defence policy (ESDP) started later when the European Council agreed in 1999 to create a rapid reaction force (RRF) due to be fully operational by the end of this year. Over most external issues the Member States do agree and speak, more or less, with one voice.

Throughout the 1990s CFSP structures developed gradually. The Treaty of Amsterdam established a High Representative for CFSP and a new political and security committee (COPS) to provide overall guidance and direction. But criticism of the CFSP and ESDP continued on both sides of the Atlantic. On the CFSP front, critics pointed to the tendency of the Union to issue declarations about foreign policy rather than take concrete actions. Differences between Member States were often covered up by accepting the lowest common policy denominator. The decision-making process was cumbersome and difficult because of the unanimity rule. On the ESDP front, critics argued that most Member States were not serious about spending money on defence capabilities or restructuring their armed forces.

It was against this critical background and uncertain international situation that the Convention began its deliberations on CFSP and ESDP. The discussions both in plenary and in the two separate working groups reflected the wide divergence of views between the Member States. These differences were not easy to categorise because the disputes did not simply reflect stereotype 'Atlanticist' versus 'European' views, nor large versus small Member States, nor protagonists of the intergovernmental versus community methods of business. The discussions rather reflected a lack of consensus on what role the Union should play in world affairs, whether it should have a NATO article V type solidarity clause, whether it should speak with one voice and if so who should be that voice. It was not surprising therefore that the conclusions of the working group on external affairs were widely regarded as modest. In contrast, the conclusions of the working group on defence were slightly more ambitious.

As a result of the disarray between Member States on Iraq, Valéry Giscard d'Estaing announced on 28 February that revised treaty articles on CFSP would not be introduced until May. When the Convention does begin drafting treaty articles on CFSP and ESDP it is difficult to believe that bureaucratic changes alone will compensate for lack of EU clarity and consensus on some of the most fundamental issues of foreign and security policy. This wider debate has yet to start. But paradoxically the public disarray over Iraq may act as a stimulant for such a debate. This Working Paper reviews the debate in the Convention to date and proposes some reforms to make CFSP/ESDP more effective in the knowledge that the decisive element will remain the political will to act together.



Key Recommendations

1. The EU needs to debate and define its strategic interests. The disarray over Iraq was always a disaster in the making. The Member States need to find time at the highest level to discuss and agree foreign policy priorities. The EU needs to have the resources and structures to promote and defend these interests.
2. The Union should take all decisions in CFSP by QMV (as defined in the Treaty of Nice), except those having military implications.
3. The positions and bureaucracies of the High Representative and Commissioner for External Affairs should be merged with a special Vice President status for the new European Foreign Minister within the Commission. He would chair a 'Relax' group of Commissioners covering external affairs and have a deputy for defence matters (see below). The dual hat approach should eventually be phased out in favour of a Commission based Foreign Minister.
4. The position and authority of the new European Foreign Minister should be enhanced by granting him the right of initiative and an adequate budget. He should also chair the external affairs part of the general affairs and external relations council (GAERC).
5. There should be one unified external (or diplomatic) service of the EU based on a merger of the Brussels bureaucracies and the Commission's external delegations. This service should be complementary to those of Member States and be supported by the establishment of an EU diplomatic academy. There is a strong case for a reduction in the overall number of EU diplomats, particularly in third countries, and fresh thinking about how best to organise and task them to support CFSP.
6. The EU should have legal authority to sign international agreements.
7. The EU should agree to speak with one voice in major international bodies, starting with the external representation of the euro zone. It

does not make sense in an enlarged EU of 25 Member States for each one to speak in international bodies when we have CFSP.

8. The European Parliament (EP) and national parliaments should have a greater role in CFSP. They should receive more information on a timely basis and be invited to make their views known at regular meetings with the European Foreign Minister. There should be an annual debate on CFSP held simultaneously in the EP and national parliaments of Member States.
9. There should be a NATO article V solidarity clause in the new treaty, covering mutual defence as well as assistance in dealing with a terrorist attack, open to all Member States to join as and when willing.
- 10 There should be provision for enhanced cooperation in the defence field, both as regards policy and armaments cooperation. There should be a European armaments agency and current treaty protection of the defence sector should be abolished.
- 11 The European Foreign Minister, working through the Political and Security Committee (COPS), should have an enhanced role in crisis management.
- 12 There should be a deputy European Foreign Minister, based in the Council, to oversee defence issues (including capabilities and EU-NATO cooperation).



1. Introduction

For the first time in the history of the EU there has been an open public debate about the structures and instruments the Union should have to increase its influence as a global actor. The debate has taken place mainly in the Convention on the Future of Europe, both in plenary sessions and in the two working groups (WGs) under the former Belgian Prime Minister, Jean-Luc Dehaene (External Relations) and Commissioner Michel Barnier (Defence).¹ On 5 February 2003, the Praesidium of the Convention published the first draft articles for the proposed new constitution for the Union. Article 14 concerning the CFSP stated *inter alia*;

"Member States shall actively and unreservedly support the Union's common foreign and security policy in a spirit of loyalty and mutual solidarity. They shall refrain from action contrary to the Union's interests or likely to undermine its effectiveness."

It was somewhat ironic that this article was published in the midst of perhaps the EU's worst ever debacle on CFSP arising from the Iraqi crisis.

Although the debate in the Convention focused more on organisation and structures, it nevertheless helped promote a wider public discussion about the aims of CFSP and the EU's nascent security and defence policy (ESDP).² What kind of role should the EU seek to play in the world? Should it remain essentially a civilian power or should it seek to develop serious military capabilities? Should it concentrate on its neighbourhood or seek to become a genuine global player like the US? Opinion polls throughout the EU have shown widespread support for a strengthened CFSP/ESDP but political leaders have been reluctant to draw on this support.³ During the Convention, some of the traditional divisions on CFSP/ESDP appear to have been overcome but important differences between the Member States, notably concerning the use of military power, remained. The extent of the consensus and the differences between Member States will be on public display at the intergovernmental conference (IGC) that follows the Convention and which will agree a new constitution for the enlarged EU.⁴

2. The Laeken Declaration and the Political-Security Environment

The catalyst for the European Convention was the Laeken Declaration adopted by the European Council in December 2001.⁵ The Declaration did not say much about external action, stating that the EU was confronted with a fast changing, globalised world. The fall of the Berlin Wall had not brought a stable world order, free from conflict, founded upon human rights. Rather the world faced new threats from religious fanaticism, ethnic nationalism, racism and terrorism. The EU should play a leading role in seeking to provide stability and promoting its core values of democracy and respect for human and minority rights. It should promote sustainable development and global governance as a means of dealing with the effects of globalisation. It should seek to play a role that would benefit not just the rich countries but also the poorest.

These fine words gave little guidance to the WGs established by the Convention. But there had been a growing body of criticism from the EU institutions and elite public opinion about European foreign and security policy. Most agreed that the EU was far from punching its weight in global affairs. Most agreed that the CFSP should be strengthened and that more should be spent on defence. But the devil was always in the detail. In the debate over CFSP prior to Laeken and in the run up to the Convention, there was very little sign of consensus on some fundamental issues such as;

- a single voice for the EU in external affairs;
- qualified majority voting (QMV) for CFSP;
- the respective roles of the Commission and Council;
- the inclusion of a mutual solidarity (article V) clause;
- a common market for defence equipment.

The debate in the second half of 2002 and early 2003 took place against the background of major developments within the Union, including the successful introduction of the euro and the conclusion of



the enlargement negotiations with ten countries from central and southern Europe. On the external front, the international security picture had been transformed following the 9/11 terrorist attacks on the US and preparations for war against Iraq. The EU had displayed commendable solidarity in the aftermath of 9/11 but divisions emerged during 2002 on how to deal with Iraq. On the one side, Germany initially expressed total opposition to any military intervention in Iraq; on the other side, the UK offered almost unconditional support for the US policy of regime change. These disputes reached a high point in the early weeks of 2003 with rival statements by France and Germany on the one side (22.1.03), pushing a cautious line, and the 'gang of eight' on the other side (30.1.03), offering the US unconditional support. The 'gang of eight' included Britain, Spain, Italy, Portugal and Denmark plus three accession countries, Poland, Hungary and the Czech republic.⁶ A few days later a group of central European countries (the Vilnius Ten) produced a further declaration supporting the US. In all these statements neither the Greek Presidency nor the High Representative (HR) for CFSP, Javier Solana, was consulted or even informed in advance. Costas Simitas, in his capacity as President of the Council, issued a statement criticizing the manner in which the 'gang of eight' issued their statement.⁷ He could have added that these rival statements were a breach of treaty obligations.

Apart from Iraq, the muscular and often unilateralist foreign policy of the George W. Bush administration cast a long shadow over European debates on foreign and security policy. How should the EU react to the unrivalled 'hyperpower' across the Atlantic? Another factor touching on the debate was NATO enlargement, confirmed at the Prague summit at the end of November 2002, and the alliance decision to create its own 20000 strong rapid response force. There were fears that this new force would divert attention from the EU's efforts to establish its own 60000 strong rapid reaction force (RRF) by the end of 2003, a goal proclaimed at the December 1999 Helsinki European Council.

3. The Convention

The Laeken Declaration outlined the mandate for the Convention on the Future of Europe. The former French President, Valéry Giscard d'Estaing was nominated President with two Vice-Presidents, Jean-Luc Dehaene, and Giuliano Amato, the former Italian Prime Minister. The

109 members of the Convention include representatives of national governments, national parliaments, the European Parliament, the European Commission, and a small number of observers. The accession countries are fully involved. An eleven strong Praesidium guides the work of the Convention which was a historic innovation in holding a Europe-wide debate on the future of the Union. Despite its heterogeneous membership, the members of the Convention quickly developed an *esprit de corps* and agreed with the President's intention that they should produce a draft constitution for the Union. Some observers drew parallels with the Philadelphia Convention that drafted the US constitution. The work of the Convention is divided into WGs and plenary sessions. The WGs on External Action and Defence were not among the original WGs but were established in early October 2002.

Prior to their establishment, there was one plenary session devoted to external relations on 11-12 July 2002. Nearly all speakers in the plenary called for a stronger European voice on the world stage but this quasi-unanimity quickly broke down when it came to proposals on how to achieve this goal. Peter Hain (UK government representative) was at one end of the spectrum arguing for minimal changes. Peter Glotz (German government representative) and Elmar Brok (German MEP and Chair of the EP Foreign Affairs Committee) were at the other end of the spectrum calling for CFSP to be set within the community framework. For Brok, it was a choice between the Metternich and Monnet approaches. Alain Lamassoure (French MEP and former Europe minister) thought that CFSP decision-making was "*still stuck in the 1950s*" while Andrew Duff (British MEP) did not understand why Hain "*wanted more of the same if the same did not work.*" A number of speakers warned of the dangers of a *directoire* running CFSP.

The WG on External Action met ten times and also held one joint meeting with the WG on Defence. It received a number of written and oral submissions including 74 written submissions by members of the WG. The principal oral submissions were given by Javier Solana, and his deputy, Pierre de Boissieu, from the Council, and Chris Patten (external relations), Pascal Lamy (trade) and Paul Nielson (development policy) from the Commission. Papers submitted to the WG covered a wide range of themes including 'double hatting' (i.e. merging the Solana/Patten jobs), the financing of CFSP and increased use of QMV. The 49 strong WG contained a mix of current and past



ministers as well as many senior officials such as Guenter Pleuger, Germany, and Bobby MacDonagh, Ireland, with direct experience of CFSP. The most active members of the WG were Elmar Brok, Alain Lamassoure, Louis Michel (Belgium foreign minister), Lamberto Dini (ex-foreign minister of Italy), Peter Hain and Klaus Haensch (German MEP).

The 46-strong WG on Defence met nine times and received 44 submissions from members of the WG as well as a number of other written and oral submissions. Witnesses included Javier Solana, NATO Secretary General, Lord Robertson, former French defence minister, Alain Richard, and various military experts. The WG also benefited from an expert seminar held at the EU Institute for Security Studies. The most active members of the WG were Valdo Spini (MP, Italy), Gisela Stuart (British MEP), Sylvie Kaufmann (German MP), Jean Luc Dehaene (Convention Vice-President) and Jacques Santer (Luxembourg MEP).

The two chairmen of the WGs worked closely together, attending each other's WG as full members. An expert group of Council officials provided the support staff, drafting background papers and questions, and acting as rapporteurs. Both WGs were influenced by parallel debates and developments outside the Convention. The European Commission presented its proposals on institutional reform, including CFSP, on 2 December.⁸ Individual Commissioners, notably Chris Patten and Pascal Lamy, made their views clear in speeches and interviews, as did ministers from Member States.⁹ There were also important contributions from France and Germany, and from the Benelux, as well as individual Member States.¹⁰

4. External Action WG – Mandate and Principal Witnesses

The mandate of the WG was as follows:

1. *How should the interests of the Union be defined and formulated?*
2. *How should the consistency of the Union's activities be ensured, coordinating all the instruments available to it (including development aid, humanitarian action, financial assistance, trade policy, etc.)?*

3. *What can be done to ensure that the decision-making process allows the Union to act rapidly and effectively on the international stage? How far could the Community method be extended to other fields of action and how could it be made more effective? What easing of the rule of unanimity might be considered?*
4. *What lessons may be drawn from the experience gained from the creation of the post of High Representative for the CFSP? What scope for initiative may be assigned to him? How can it be ensured that he has the necessary resources, including financial resources, at his disposal?*
5. *What amendments to arrangements for the external representation of the Union would increase the Union's influence at international level? How could better synergy be achieved between the diplomatic activity of the Union and of the Member States?*

Speaking to the WG on 15 October, Javier Solana said that through his work in the Balkans and the Middle East in particular he had managed to increase the EU's visibility and profile in the world. The creation of the HR position (with few defined tasks beyond "assisting the Presidency") had provided added value to EU external relations but there were lessons to be drawn from his first three years in office. CFSP was impossible without the necessary political will, coherence and solidarity of the Member States. He said the Union suffered from lack of continuity and needed to be able to react swiftly in CFSP. The 2002 CFSP budget of 35 million euros was "laughable". The EU should also be capable of discussing sensitive issues such as defence and finance with partners such as the United States. There also needed to be a clear division of labour. He and Patten had distinct responsibilities and "merging these functions would create more confusion than synergy".

Solana's recipe for improvements included:

- delegating external representation of the EU to the HR;
- granting the HR the right of initiative, including mobilizing the whole spectrum of instruments at the disposal of the Community and Member States;
- agreeing that the HR should chair the External Relations Council;



- enlarging the scope of QMV in CFSP;
- greater pooling of the EU's diplomatic resources;
- increasing the CFSP budget and clarifying the financing of operations.

Solana concluded by calling for a more sophisticated approach to the alleged alternative between the intergovernmental versus community approach. To describe his own role as intergovernmental was "*simplicistic and wrong*". The real question was about the depth and quality of the integration process, not institutional uniformity.

Solana's deputy, Pierre de Boissieu concentrated on resources for CFSP during his presentation. He said that the Council was a modest organization with just 350 A staff compared to over 6 000 in the Commission. The budget for CFSP was derisory and there was no agreement on cost-sharing formulae for EU operations. The EU could not even finance its own special representatives, 80% of that expenditure coming from Member States. He added that while the EU had 6 billion euros for external action, the Member States spent between 70 and 80 billion euros. He considered that the Council should have a minimum of 50 million euros for CFSP actions.

Chris Patten began his presentation to the WG by stating that external relations were much more than CFSP. He also thought that the Union had made significant achievements under the present arrangements. Daily cooperation between the Commission, HR and Presidencies was working well but he considered that the future of the EU's external action should not depend on the quality of working relations between individuals. Drawing attention to the key role of the Member States and the need for more political will to advance, Patten said that it was an illusion to think that refining the institutional architecture in Brussels (e.g. a Solana/Patten merger) would lead to a new dawn in the evolution in CFSP. Patten had a number of ideas to improve CFSP without treaty changes. He saw no reason why the HR could not attend relevant parts of Commission meetings; why there should not be more joint papers and coordinated participation in EP debates. He also thought there should be more flexible budgetary procedures and called for greater cooperation between Commission delegations and Member State embassies in third countries. As regards treaty changes, Patten

welcomed the consensus that the EU should have a legal personality. He drew attention to the need to improve decision-making in external relations, pointing to the excessive delays by Member States in ratifying 'mixed competence' agreements.¹¹ There was a clear case for more QMV. Finally, Patten thought that the HR should have a right of initiative, chair the External Relations Council and have his own budget.

Pascal Lamy suggested that the Union would do well to copy the successful structure operating for trade policy in other areas of external policy. The ingredients for success were the existence of political will to act jointly, a balanced and efficient decision-making process and a permanent dialogue between the Commission and Member States. As regards trade policy he argued for a further reduction in exceptions to the rule of voting by QMV. Unanimity was still applied in the fields of services, investments and intellectual property. Given the sensitivities with regard to trade and globalisation, Lamy called for a greater involvement of the EP, more transparency in the work of the Council and a strengthened dialogue with civil society. Lamy went on to argue for a step by step approach to increasing the EU's voice on the world stage, beginning with a common voice in international economic organizations. It was natural that the Commission should speak for the Union.

Paul Nielson suggested that development policy should respond to medium and long-term strategic objectives as opposed to short-term foreign policy interests. He also warned against linking humanitarian aid to foreign policy considerations. The European Development Fund (EDF) should be merged into the EU budget and there should be a simplification of legal instruments. Nielson concluded by posing the fundamental question whether the EU wanted to be a global player or just a regional player leaving the important decisions to others, notably the Americans. He suggested that as long as Member States were not prepared to discuss how the EU should act in the United Nations Security Council (UNSC), the C in CFSP should stand for 'convenient' and not 'common.'



5. The Debate in the Working Group on External Action

Throughout the meetings of the WG, Jean-Luc Dehaene emphasised the importance of making better use of instruments within the EU and the need to bridge the gap between the intergovernmental and the community methods. He did not seek to steer the WG towards consensus but preferred to allow different opinions to be presented even in the final report. Presenting his report, Dehaene said that his WG set out from the idea that the EU had to be made into a credible and influential player on the international stage. The question was not whether the Union wanted a role, but how to play the role effectively, and not just end up as paymaster without real influence. Dehaene recognised the importance of political will but he also emphasized the need to create structures and procedures that would help build political will. He understood that one could not abolish the distinction between the Community aspect and the intergovernmental aspect of foreign policy; but to prevent that leading to differing foreign policies, co-ordination needed to be improved. To avoid confusion, it is perhaps preferable to outline the debate and conclusions theme by theme.

Common Interests, Competences, Legal Personality

There were few disagreements on these issues. The WG agreed that the principles and general objectives of all areas of external action should be clearly defined and grouped together in the new Treaty. The WG agreed that the Union should have legal personality and that the Treaty should indicate that the Union was competent to conclude agreements dealing with issues falling under its internal competences; and the Council should decide on these issues by QMV.

As regards international agreements, the WG recommended that the new Treaty include one single set of provisions on the negotiation and conclusion of international agreements that would indicate that the Council authorises the opening of negotiations, issues negotiating directives, and concludes the agreements and would indicate who would act on the behalf of the EU according to the subject of the agreement.

The WG agreed on the importance of the European Council setting the strategic objectives and general guidelines for CFSP as regards specific

countries, regions, situations or themes. The External Action Council would be in charge of the implementation of these strategic objectives and interests. To enhance coherence and efficiency, the WG agreed that there should be a separate External Action Council, formally distinct from the General Affairs Council. A majority was also in favour of the person holding the function of HR chairing the External Action Council, while not having the right to vote. A focal point should be established within the Commission, possibly the Vice President, who would coordinate all external issues dealt with in the Commission (all areas of external relations as well as external aspects of internal policies). The WG also proposed an annual debate in the EP at the beginning of each year to discuss external priorities.

The role of the HR for CFSP and the Commissioner for External Relations

One of the most controversial proposals, advocated by many almost as soon as Solana took up his appointment in 1999, concerned a merger of the Solana and Patten functions. In the WG several options were discussed, including;

- merging the functions of the HR into the Commission. The Commission would be responsible for policy initiation and implementation.
- enhancing the role of the HR including a formal right of proposal of the HR, increased resources to implement his/her task, and participation in Commission meetings related to external action.
- creating a 'double hatted' person who would exercise combined functions of the HR and the Relex Commissioner.
- the creation of a 'EU Minister of Foreign Affairs', who would work under the authority of a permanent President of the European Council.

In their evidence to the WG (see above), both Solana and Patten cast doubt on the merger proposal, raising a number of potential problems. One of the central issues would be the relationship of this enhanced HR for CFSP to the permanent President of the European Council (if



the Convention/IGC decided on such a move). In its December 2002 contribution to the Convention, the Commission proposed creating the post of Secretary of the European Union, as a Vice President of the Commission with a special status. This person would be appointed by common accord by the European Council and by the President designate of the Commission. He would report personally both to the European Council and to the President of the Commission, both of whom would be able to terminate his job. As a member of the Commission, he would also report to the European Parliament as part of the College of Commissioners' collective responsibility.

During an unspecified transitional period, the Secretary of the Union would exercise the Commission's right of initiative in CFSP *"according to the guidelines and mandates given to him by the Council, or of a group of Member States with a particular interest in a specific question and whose common interests might require action on the part of the Union"*. At the end of the transitional period, the Council, acting on a proposal from the Commission and applying an enhanced qualified majority, would rule on the arrangements by which the Secretary of the Union would autonomously exercise the Commission's right of initiative in CFSP. Consequently, the Council would also have to rule on the extent of the Member States' right of initiative at the end of the transitional period. Perhaps recognizing the radical nature of this proposal, the Commission added that even after the transitional period, a group of Member States could ask the Secretary of the Union to submit to the Council any proposal concerning the implementation of common objectives.

The College could debate CFSP but not block proposals by the Secretary of the Union after agreement had been obtained from the President of the Commission. It would be up to the President of the Commission and the Secretary of the Union to ensure consistency between CFSP and other areas of external action. The Secretary of the Union would also represent the Union vis-à-vis third parties with regard to foreign policy action and would be responsible for implementing common decisions. For this purpose, he would have access to *"a single administration resourced from the Council, the Commission and the Member States"*, placed under his authority, and benefiting from the administrative infrastructure of the Commission. The Commission's external delegations and the Council's liaison offices would become Union delegations managed administratively by the Commission and under the authority of the Secretary of the Union.

The Commission's proposals were broadly supported by the Benelux and Finland but opposed by a number of Member States, especially the UK. The British view was to maintain the current system with the HR chairing the External Affairs Council and enjoying a right of initiative.¹²

There were arguments in favour of all the above models in the WG. In the end, a majority favoured a solution which would provide for the exercise of both offices by a 'European External Representative'. This name was chosen, explained Dehaene, to avoid confusion with Ministers from Member States. This person, who would combine the functions of HR and External Relations Commissioner, would be appointed by the Council using QMV, be approved by the President of the Commission and endorsed by the European Parliament. He would receive direct mandates from, and be accountable to, the Council for issues relating to CFSP. In his capacity as HR, he would have the formal, but not exclusive, right of initiative. His initiatives on CFSP and decisions to put them into effect would not be subject to prior approval by Commission. Decisions on CFSP matters would continue to be taken in the Council. He would not have the right to vote in the Council. He would be a full member of the Commission and preferably its Vice-President. In his capacity as External Relations Commissioner, he would put proposals to the College and fully participate in its decisions for matters falling under current Community competence. He would ensure the external representation of the Union. A number of WG members made their agreement on this suggestion dependent on a satisfactory solution on the whole institutional setting. Hain was critical of the proposal asking who would mediate in a disagreement between the Council and Commission? How could the 'double-hatted' HR chair the External Affairs Council? How could a full member of the Commission chair a discussion of defence issues?

External Representation

The WG discussed several ways to enhance the EU's external representation. Some such as Klaus Haensch supported the Commission's view that there should be a single voice for the EU in foreign as well as external economic policy. There were even some who suggested that the EU should eventually have its own seat (as opposed to French and UK seats) on the United Nations Security Council (UNSC). The Eurozone members of the Group, supported by others, expressed support for a single representation of the Eurozone in



international financial and economic institutions. The WG recommended that when there was an agreed position of the Union, the EU should have, wherever appropriate, a single spokesperson in international fora. In order to improve the visibility, clarity and continuity of EU external representation vis-à-vis third countries, the WG considered that this task should be entrusted to the person holding the function of HR, in particular in political dialogue meetings. A majority supported the idea that the EU should work, where appropriate, for changes in statutes of international organisations to allow for membership by the Union. This view was challenged by Hain, who argued that several voices singing from the same hymn sheet would be more effective in promoting the EU's position. There was also a clear majority in favour of Member States enhancing the coordination of their position in international organisations.

European Diplomatic Service

A large consensus emerged in the WG on some organisational recommendations aimed at enhancing the coherence and efficiency and which could be implemented independently of the solution adopted regarding the institutional framework. These included the establishment of one joint service (European External Action Service) composed of DG Relex officials, Council Secretariat officials and staff seconded from national diplomatic services. The Commission's delegations would become EU delegations/embassies, and would work formally under the authority of the person holding the function of HR for issues concerning CFSP and under the direct authority of the Commission for the other aspects of external action. In the hypothesis of the creation of a new post of European External Representative this service would work under his authority. The WG also agreed on the creation of a EU diplomatic academy. Hain was opposed to such moves asking *"why create new institutions when we can cooperate much better in practical ways?"*

CFSP and QMV

The WG recognised that unanimity was a handicap to swift decision-making in CFSP and that this would worsen as a result of enlargement. The Commission proposed abolishing QMV for CFSP in its December submission and this view was surprisingly endorsed in the Franco-German paper of January. The WG, however, was unable to reach any

specific recommendations in this area and the conclusions talked of making "*maximum use of existing provisions*" for the use of QMV, and of provisions allowing for some form of flexibility, such as constructive abstention as well as the possibility of closer cooperation among Member States to allow for a 'coalition of the willing.' In addition, the WG recommended that a new provision be inserted in the Treaty which would provide for the possibility of the European Council agreeing by unanimity to extend the use of QMV in the field of CFSP. There was also a high degree of support in favour of the use of QMV in all areas of commercial policy, including services and intellectual property.

Financing CFSP

Nearly all witnesses were sharply critical of the limited budget for CFSP that sometimes prevented the EU from acting promptly in crisis situations. There was broad agreement in the WG that the CFSP part of the EU budget should have sufficient funds to meet unexpected crises or new political priorities on the international scene. The HR should be granted a certain degree of autonomy in financing activities necessary to carry out his/her mandate. But there were question marks raised over the compatibility of this with the EP and Commission's budgetary roles.

Development Policy

As regards development policy, the WG recommended that the administrative and legal instruments for managing development programmes should be simplified and enhanced, with a significant reduction of the number of regional and sectoral regulations, and a focus on strategic programming. There was a high degree of support in favour of the integration of the EDF into the overall EU budget and thus making it subject to the same procedures applicable to other areas of financial assistance. Development assistance should be considered as an element of the global strategy of the Union vis-à-vis third countries.

European Parliament

Not surprisingly, a number of MEPs argued for a stronger role for the EP in CFSP. Government representatives, however, stressed the limited role of national parliaments in foreign policy. The WG simply



recommended that there should be an annual debate on CFSP to discuss priorities and that the HR should appear more often in the EP to inform members of developments and seek their views. In addition, several members considered that the involvement of the EP in commercial policy should be enhanced and that the EP should have an enhanced role in the negotiation and conclusion of international agreements.

6. The December Plenary Debate on External Action

The reports by the two WGs were debated simultaneously during the plenary session on 20 December 2002. A general consensus on defence questions emerged while there was much less agreement on foreign policy. Lamassoure criticised the External Action report for offering "*comparatively modest conclusions*" and said that Europe's citizens "*expected more from us*". He said that the reports avoided highly charged political issues such as the role of the French and British nuclear forces or relations between Europe and the US within the Atlantic Alliance, and neutrality. They proposed cosmetic innovations, like the elimination of the duality between Solana and Patten, but "*was it the dual role that prevented the EU from taking a firmer stance on the Middle East or Iraq. Would the future double-hatted Mr CFSP be able to avoid the differences between the Member States on the UNSC?*" The response of those disagreeing with Lamassoure was that the role of the Convention was not to define policies on Iraq or the Middle East, nor on relations with the US, nor the role of nuclear power. The Convention needed to establish principles, institutions and procedures.

Hain repeated his opposition to a Solana/Patten merger, stating, "*I do not believe we can agree on this double-headed approach unless there is a settled and full-time Council President*". Regarding representation in international organisations, he stressed that establishing one EU seat would not strengthen the EU's position. Rather, cooperation among the Member States should be enhanced. Andrew Duff, UK MEP, referred to the role of the HR as a "*Council cuckoo inside a Commission nest*." However, Joschka Fischer, German foreign minister, welcomed 'double hatting' for the HR and the Commissioner for external relations arguing that he should replace the troika and give the Union a more coherent external voice. Similar expressions of support came from Henning Christophersen, Danish government representative, Ernani Lopes, Portuguese government representative, Gianfranco Fini, Italy's deputy

Prime Minister, and Gijs de Vries, Dutch Government representative and his Luxembourg opposite number, Jacques Santer. Pascale Andreani, France's alternate government representative, took a more cautious line arguing that *"a genuine European diplomacy will only emerge from the organised convergence of Member States' interests"* and suggested that the *"double-hatted formula does not respond fully to these concerns"*.

There was a broad consensus on the need to make better use of existing possibilities for decision by QMV in CFSP as well as for provisions allowing for some flexibility, such as constructive abstention. Fischer, in a foretaste of the Franco-German January paper, stated that all CFSP decisions should be taken by QMV apart from security and defence. Michel emphasised that the application of QMV was the best way to promote consensus and should become the rule. He considered that the report could have been more ambitious on the role of the Parliament and the negotiation and conclusion of international agreements. Brok stated that QMV was hard to envisage in the context of CFSP, but enhanced cooperation should be pursued. Fini stressed the need for caution and realism. *"QMV should certainly be extended but we cannot push Member States that have interests in the issue into a minority camp"*, a point echoed by Hain.

Concluding the debate, Dehaene stated that the use of QMV should be regarded as an important tool to help reaching consensus. EU membership in international organisations would not affect the status of Member States in those organisations. The establishment of an EU diplomatic service and academy would not replace but complement the diplomatic services of the Member States. As regards the role of the HR and the questions concerning 'double hatting', Dehaene said that these issues would continue to be discussed in the framework of the wider institutional debate.

7. Defence WG – Mandate and Principal Witnesses

The mandate of the defence WG included;

1. *Should an article or a protocol be added to the Treaty about collective defence?*
2. *Should 'convergence criteria' be established to ensure that the member*



states meet their commitments on military capabilities?

3. *Should 'enhanced co-operation' be introduced in the Treaty for crisis management, mutual assistance, and military capabilities?*
4. *How could the decision-making process be made more efficient for ESDP?*
5. *How should the planning for civil and military aspects of crisis management be better co-coordinated?*
6. *Should a European arms agency be set up?*

In his evidence to the WG on 29 October, Lord Robertson underlined the importance of the EU and NATO working together. NATO was fully supportive of ESDP but the Union had to be careful not to create expectations that could not be fulfilled. The emphasis had to be on capabilities. He saw no need for an independent EU military planning capability. Robertson also said that EU-NATO cooperation had worked well in the Balkans, notably Macedonia. But neither side could afford to base such cooperation on ad hoc solutions.

Alain Richard, addressing the WG on 4 November, stressed the problems of dispersal of resources, the lack of EU strategic agreement and the practice of consensus decision-making. He foresaw two possible approaches in future:

- perfecting the inter- governmental method; and
- pooling capabilities under reinforced cooperation.

Under the first option, the HR would be given a right of initiative, a Defence Council should be created, and a post of Deputy HR should be created to monitor developments on capabilities. Under the second option, certain Member States could move forward by pooling and jointly employing their capabilities, by forming a Euro defence group and by agreeing the circumstances under which the joint weaponry could be used. Decisions to commit combat troops would remain with national governments.

8. The Defence Working Group Discussions

The WG submitted its final report on 10 December 2002. According to Barnier, the aim was *"not to transform the EU into a military alliance, but to provide the necessary instruments to defend its objectives and values and contribute to peace and stability throughout the world."* The WG reflected the very different views on defence within the EU. Eleven Member States are in NATO while four are non-aligned. Denmark has an opt-out for EU defence questions although it is in NATO. Some Member States have carried out transformation programmes for their armed forces but several have not. Some spend more than 2% of GDP on defence but most do not. Some have the experience, capacity and will to operate overseas but most are reticent. The WG also held their deliberations in the knowledge that the EU was struggling to meet its commitment regarding the Helsinki headline goals for the RRF.

Solidarity Clause

There was much discussion within the WG on the merits of a solidarity clause. There was little enthusiasm for an article V type of defence clause but there was consensus on including a solidarity clause in the new Treaty requiring the use of all EU instruments (military resources, police and judicial co-operation, civil protection, etc.) for the protection of its civilian population and democratic institutions in the case of a terrorist attack. Assistance to manage the consequences of such an attack would not be automatic and would only be provided at the request of the civilian authorities of the affected Member State. To reinforce the existing Community arrangements, the WG also proposed a pool of specialized civilian or military units in civil protection undertaking joint training programmes to coordinate their activities.

The WG did acknowledge the desire of some members to see a solidarity clause extending to territorial defence. This idea also surfaced in the Franco-German paper which talked of inserting a clause or a declaration in the new treaty on 'common solidarity and security', which would identify all the risks facing the EU, including terrorism and the way to combat them. Over time, the ESDP would gradually be transformed into 'a Union of security and defence' and thus strengthen the European pillar of the Atlantic Alliance.



John Bruton, the former Irish Prime Minister, came down on the side of the solidarity clause stating that *"it is not a military clause but one representing a joint commitment to combat terrorism and I'm sure the Irish people would back this idea if a referendum were held."* Hain also spoke in support of *"a solidarity clause for terrorism matters"*, as did Alfonso Dastis for the Spanish Government.

Fini proposed the abolition of Article 296 that sheltered national arms manufacturers from competition while Brok argued that a common arms policy should include the issue of arms exports.

Enhanced cooperation

The WG developed an idea that could be called 'a Euro defence mechanism'. Indeed, according to the report, such a group would be based on the same format as the Euro group of member states that have adopted the euro. If a majority of Member States wished to launch an EU military operation, they could do so even if some abstained. Once operations were launched, Member States that abstained would not participate in decisions on their implementation but would be free to join up at a later stage. Conditions for participating in this 'Euro defence zone' might include a form of presumption of availability of pre-identified forces and command and control capacity, participation in multi-national forces, the state of preparedness of forces and deployment capacity.

This idea of enhanced co-operation in ESDP also appeared in the Franco-German proposal which added the option of taking some decisions by QMV.

ESDP capabilities

A large majority of the WG supported the establishment of an European Arms and Strategic Research Agency whose main tasks would be to ensure operational requirements were met by promoting a harmonised procurement policy among Member States and backing research into defence technologies. Another of its missions would be to enhance the defence sector's industrial and technological base and embrace appropriate elements of cooperation developed within WEAG (the West European armaments co-operation group). All Member States wishing to do so could participate in the Agency, whilst some

might set up specific groups. The Agency would also assess and monitor the implementation of capability commitments.

The report also identified different convergence criteria that would be used to improve Member States' military capabilities (e.g. based on a proportion of GNP). In addition, a formal Council of Defence would be established that would judge these criteria. Barnier pointed out that the annual investment by Member States in military research was approximately 10 billion euro compared with 53 billion euro for the United States. The gap was increasing which would have important consequences not only on the military industry but also on the civilian sector.

The Franco-German proposal also called for the creation of a convergence pact for defence spending. It proposed that a protocol should be annexed to the new Treaty that would commit those interested Member States to improving military capabilities through a process of harmonizing military planning, pooling of capabilities and resources, and increased division of labour. France and Germany also proposed to introduce in the Treaty a reference to the various existing projects on cooperation in capabilities and to those that could emerge under the European Capabilities Action Plan (ECAP).

The UK was swift to reject the idea of an EU Armaments Agency on the basis that it wanted to maintain control over its defence spending, that a fortress-Europe approach could damage Britain's defence industry, and that a European-wide agreement might lead the US to retaliate by barring European companies from its defence contracts. Instead, the UK proposed the creation of a 'capabilities agency' that would develop and vet member states defence spending in order to fill the gaps in defence capabilities.

Decision-making processes

There was broad consensus in the WG that the existing institutional structures in ESDP should be maintained and reinforced. The HR should be responsible for Union action and coordinating Member State's efforts, via COPS, with regard to defence. But the Council should remain at the centre of decision-making on defence issues. The HR should have the right of initiative in crisis management matters. The WG also proposed the common funding of operations by means of a



voluntary fund from which the preparatory stages of an operation could be financed. The group also suggested that decisions should be taken not by unanimity but by assent, which would be based on a culture of solidarity. The WG emphasized the importance of adequate parliamentary control, which, on matters such as defence, should primarily be exercised by national parliaments. There was also some support for the proposal to create a joint military academy.

Some members of the WG pointed out that the EU-NATO agreement, signed in December 2002 after months of delay, would allow the EU to use NATO assets in future operations (the Berlin Plus Agreement) such as Bosnia and Macedonia. Some also called for the Petersberg tasks¹³ to be updated and to include more specific reference to tasks which might involve military resources. The updated Petersberg missions would cover conflict prevention, programmes for weapons destruction and arms control, assistance to democratic armed forces in third countries, stabilisation operations at the end of conflicts and (a totally new element) support at the request of third country authorities in the war on terrorism.

9. The December Plenary Debate on Defence

The WG report received broad support in the plenary. The proposal for an armaments agency was endorsed and there was consensus on the proposal for updating the Petersberg tasks and on improving coherence and efficiency in crisis management. There was also wide support for the ‘terrorist’ solidarity clause as well as for the HR to play a stronger role in ESDP.

Fischer expressed his satisfaction that the main points of the joint Franco-German paper on defence had been included. He stressed that in a Union of 25 more flexibility was needed. The EU needed to mobilize all its resources especially against new threats. Michel agreed on updating the Petersberg tasks and referred to the armaments agency as an ‘indispensable instrument’. He regretted that no consensus had been reached on providing for flexibility in the area of crisis management and the area of collective defence. Hain argued against a mutual defence clause in the EU but welcomed the terrorism solidarity clause. De Vries argued that ESDP should be considered an integral part of the EU’s external action. It was vital that ECAP targets were met

if the EU was to achieve credibility. Separate chapters in a new Treaty on 'External Action' and 'Defence' should be avoided. Furthermore, he welcomed the idea of flexibility or enhanced cooperation. Santer stressed that no country should be excluded from closer cooperation provided that its military capacity qualified it to participate.

The enhanced cooperation issue excited the most interest during the plenary session with Lena Hjelm-Wallen, the Swedish Deputy Prime Minister, stating that *"such cooperation must not lead to a common defence policy. I would not like the EU to become a military alliance"*. Fini, however, called the Euro defence zone a key concept, provided the new form of enhanced cooperation remain open to Member States that decide from the outset to stay on the sidelines. A similar position was taken by Ernani Lopes for the Portuguese government. More surprisingly, Bruton implicitly came out in favour of the Euro defence zone, stating that a common defence policy would be acceptable if countries could opt out.

In conclusion, Barnier stated that he was struck by the virtual unanimity in the debate. Replying to comments about the solidarity clause, Barnier emphasised that this clause was not to do with territorial defence, but was about a new response to a new threat. The clause did not just include military tools but also judicial cooperation and intelligence gathering. Finally, Barnier pointed out that improved European capabilities would also strengthen the Atlantic Alliance.

10. Assessment

The two WGs produced reports that were a mix of the ambitious and conservative. The plenary session further demonstrated that it would be difficult to bridge some of these gaps when it comes to drafting treaty articles. A review of the plenary showed that one could split the Member States into three broad groups. First, a group in favour of stronger EU institutional involvement in CFSP and greater use of QMV. This group comprised Germany, France, Italy and the three Benelux countries. Second, a group of countries in principle in favour of strengthening both CFSP and ESDP but which considers that these policies must remain intergovernmental and that decisions in this sphere may only be taken through unanimity. This group, with national nuances and reservations, included the UK, Spain, Greece and



Portugal. Third, a group of neutral or non-aligned countries comprising Sweden, Ireland, Austria and Finland (plus Denmark). There are, of course, significant national differences in and between these countries. Sweden, for example, was in favour of cooperation in the field of armaments. The Finnish representative placed emphasis on the difference between a 'neutral' country (which Finland was not) and a non-aligned country (which Finland was) that participates actively and effectively in international security operations under a UN mandate. But what united these countries was the rejection of a 'eurozone of defence'. Most favoured cooperation on a case-by-case basis.

The members of the Convention from Central and Eastern Europe were, generally speaking, rather prudent, and the impression to emerge from their contributions was that Europe's autonomy regarding foreign and defence policy is not, for now, their main concern. Most are still fairly recent (or potential) members of NATO, and it is in the context of the Atlantic Alliance that they see their security. This was certainly a factor in the statement by the 'Vilnius Ten' on support for the US position on Iraq.

There was limited debate in the WGs and the plenary on how the proposed changes would impact on the policy process, and even less debate on policy. This was surprising given the volatility of the international situation during their deliberations. Concerning CFSP there was quite a general consensus on the principles and objectives but little consensus on operational measures. The WG only reached consensus on two areas. First, regrouping into a single text all the provisions relating to 'external action' by the Union, bringing together economic competences (aid and support to third countries, trade policy) and political competences. Second, attributing to the EU the ability to conclude agreements with third countries on questions that come under its internal competences.

11. Conclusion

As the Convention moves into its final bargaining phase there remain many unresolved issues relating to CFSP/ESDP. One of the main unresolved issues is the nature of the Union's executive. The big Member States favour a President of the European Council, nominated for five years (or perhaps two-and-on-half years) to ensure continuity, and who would play a major foreign policy role. He would be the Union's principal

interlocutor with the US or Russian presidents while the EU foreign minister would deal with fellow ministers and policy implementation. But there is significant opposition to this proposal and suspicion of the motives of the big Member States. The configuration of the final deal remains unclear. With regard to the Iraqi crisis, the idea that this new President would be the interlocutor of the US president raises the question – what would he have to say?¹⁴

This raises the more fundamental question about the EU's strategic interests. To some extent the Convention's work is rather placing the cart before the horse. What is the point of creating a streamlined racing car if there are several drivers wanting to head off in different directions and at different speeds? The CFSP does need effective structures and adequate resources but the fundamental issue is whether the Member States can agree on common interests and the means to promote and defend these interests.

Media attention, when not poking fun at CFSP, has tended to focus on the alleged Solana-Patten rivalry and the proposed merger of their functions. Interestingly both men were sceptical of a merger but this did not sway majority opinion in the Convention. It now looks likely that there will be a merger and although such a move will not resolve the fundamental issues discussed above, it could lead to greater synergy, efficiency, and the development of a common European foreign policy culture. A further enhancement of Mr CFSP's status should be good for the EU's credibility and visibility on the world stage. There remain open questions about the impact of his special double hat status on collegiality but with tact and goodwill these potential problems should be minimised. The Vice President should chair the 'Relex' group of Commissioners dealing with external issues (there may be a reversion to geographical competences in a 25 strong Commission) to ensure coherence, and have a Council based deputy to oversee defence policy and cooperation with NATO.

The timidity of the WGs on QMV was very disappointing, especially in light of the Franco-German institutional proposals and discreet signals from the UK that it might be flexible on the issue. Although there are currently provisions in the treaty allowing for QMV, the provisions are very restricted, relating only to the implementation of joint actions or common strategy. Member States have been very reluctant even to call a vote in these areas not wishing to isolate any country. But trying to operate CFSP in a Union of 25 Member States without recourse to further QMV



would be a recipe for stalemate. There must therefore be an acceptance of QMV as a general rule for CFSP. At least there was wide acceptance of the need to abolish QMV with regard to trade policy.

Apart from QMV, there would seem to be growing appreciation that some form of enhanced cooperation would be a logical way forward in CFSP/ESDP.¹⁵ Such provisions could surmount the problem whereby some Member States are reluctant or unable to commit themselves further. If there were to be no agreement on 'enhanced cooperation', it is highly likely that those countries that nonetheless wish to move forward along the road to political and military integration will do so. However, while 'differentiation' would fall within the EU framework, with participation of the European institutions and according to Community procedures (adjusted where necessary), a new structure outside the Union would be totally intergovernmental, dominated by the large countries, without any institutional balance being guaranteed by the 'community method'. There are of course provisions under the current treaty (of Nice) for enhanced cooperation but there are severe restrictions on their use under CFSP (article 27B) and do not cover matters having defence or military implications. It is encouraging therefore that the WG on defence came up with proposals that would go further and permit EU operations even if there were some Member States which abstained on a decision.

Enhanced cooperation might well be applied in other areas including a mutual defence guarantee and armaments cooperation. The basic Western European Union article V commitment still exists for a majority of Member States even if the reality is that only NATO could provide credible territorial defence. It is inconceivable, however, that the Union would not go to the aid of a Member State that was attacked by a third party, whether or not it enjoyed a mutual defence clause. Neutrality or non-alignment have no place in a political union of shared values and common interests. There needs to be a full debate on these issues in the neutral and non-aligned Member States. What would be the relevance of the Union if it was not prepared to defend these values and interests? But if the political will is not currently forthcoming in some Member States, those that are ready, able and willing should be allowed to proceed with a mutual defence clause, open to others at a later date.

On the armaments front, the EU needs to abolish the treaty restrictions preventing a genuine single market, allocate more funds to research and development, and greatly increase sharing of production costs.

Strangely, there were few demands from the parliamentarians in the Convention for a stronger democratic control of CFSP. It is true that parliaments in Member States enjoy few rights in foreign and security policy but this situation need not persist. In an era of public diplomacy, with massive demonstrations across Europe against war in Iraq, it is not tenable to deny parliamentarians greater oversight in CFSP/ESDP. At the minimum, there should be more regular dialogue between the European Foreign Minister and the EP (and with national parliaments). There should be an annual debate on CFSP, held simultaneously in the EP and national parliaments. This would encourage a Union-wide debate on the aims, objectives and record of CFSP; and force foreign ministers to defend CFSP before national MPs and the wider public.

It is also time for the Union to speak with one voice in international bodies. While an EU seat on the UN Security Council is only a long-term goal, there is considerable scope for the EU, perhaps the eurozone in the first instance, developing a more coordinated approach towards the international financial and economic institutions. Although the Member States are the largest contributors to the IMF and World Bank, the absence of a single voice dilutes the influence of the Union. As Pascal Lamy stated in his evidence to the Convention, there are important lessons to be learned from trade policy.

Instruments and procedures are of course insufficient in themselves. As Jacques Delors said in an interview in *Le Soir* on 29 December 2002, "*it is absurd to imagine foreign policy can be born all in one go through improved instruments. We have all seen that with regard to Iraq. Foreign policy must be tackled in terms of joint action for which there would have to be an agreement between a majority of the countries. At first, this policy will therefore be limited to certain objectives and certain situations, bearing in mind the historical, psychological and factual constraints proper to the different countries. Even the idea of single EU representation within the United Nations is not for now realistic: Europe would have a single but silent spokesperson within the UNSC, if there were no common positions to be expressed!*"

Delors is right. In the end it comes down to political will to make CFSP/ESDP effective and the keys to political will are in London and Paris. As Chris Patten and Michel Barnier wrote in *Le Monde* on 3 February 2003, Britain and France, because of their histories, capacities and global standing, have a special role to play in ensuring that the EU acts and



speaks with one voice. Both states publicly say that they do want a strong EU. Tony Blair, speaking in Warsaw in 2002 called for the EU to become "*a superpower, not a super state*". Chirac, addressing a mixed French-German television audience on 22 January 2003, the fortieth anniversary of the Elysee Treaty, spoke of his desire for the EU to become "*a progressive global player*". If both leaders are serious then there is a future for CFSP. But the Iraq crisis will be a severe testing ground for the Union and CFSP. Regrettably, it is by no means sure that it will pass the test.

¹ The principal sources for this chapter are to be found in the documentation of the Convention on the Future of Europe, at www.european-convention.eu.int.

² See C. Hill, *European Foreign Policy*, Palgrave, 2002 and H.-G. Ehrhart, *What Model for CFSP?*, Chaillot Paper 55, October 2002.

³ See the Eurobarometer polls on the Commission website www.europa.eu.int.

⁴ The Convention is due to end by the summer of 2003. The starting date and length of the IGC are unknown. Some EU leaders have argued for a short IGC immediately following the end of the Convention. Others have argued for a pause for reflection to allow a wider public debate.

⁵ The full text of the Declaration is on the website of the EPC, at www.TheEPC.be.

⁶ The Czech government stated that President Havel did not speak for the government.

⁷ Presidency statement, 30.1.2003.

⁸ The Commission submission of 2.12.02 was entitled 'For the European Union Peace, Freedom, Solidarity – Communication from the Commission on the Institutional Architecture'. The previous communication from the Commission on 22.5.02 was entitled 'A Project for the European Union'.

⁹ See Chris Patten, speech at IFRI, Paris 15 June 2002; Pascal Lamy, speech at the Free University of Brussels, 14 October 2002; and the article by Pascal Lamy and Guenter Verheugen in *Berliner Zeitung*, 21 January 2003.

¹⁰ France and Germany published proposals on ESDP in November and on the institutions in January. See www.TheEPC.be for an analysis of all the proposals.

¹¹ These are agreements where competence is shared between the Union and Member States. Consequently such agreements require ratification by the European and national parliaments.

¹² Jack Straw, in *The Economist*, 12 October 02; see also Tony Blair's speech in Cardiff, 28 November 2002.

¹³ The Petersberg tasks include peacekeeping, peace enforcement and support for humanitarian missions.

¹⁴ Quentin Peel, "The President Who Speaks for Europe", in *Financial Times*, 4 February 2003; see also (same writer) "Why Europe needs a united foreign policy", *Financial Times*, 7 January 2003.

¹⁵ Michel Barnier, *Le Figaro*, 19 February 2003.

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