

# Our Decision



EU Commission President José Manuel Barroso.



Javier Solana, High Representative for Common Foreign and Security Policy.

How Ireland is affected by changes in European Union foreign policy is very much up to ourselves, writes Ben Tonra of UCD.

**T**he complex proposals on foreign, security and defence policy contained in the EU's proposed constitutional treaty may be seen by some as far-reaching. In reality, however, these provisions will only ever be as significant as the Member States wish them to be. In foreign policy at least, the Union is truly the creature of its Member States, with all of the contradictions, possibilities and complexities that that implies.

Ever since the foundation of the very first European Community in 1952, Europe has

struggled to make its voice heard internationally. Despite several failed attempts to develop a uniquely European voice on the international stage, it was not until the 1986 Single European Act (SEA) that the Member States could agree to a treaty-based foundation for consultations on foreign policy. Even then, discussion of security and defence matters was excluded. Further cooperation has since been slow to develop. Member States have very different historical experiences and have found their interests only slowly coinciding. Significantly, they also have very different

approaches to their own national defence - with 19 of the 25 Member States relying upon their NATO allies while others, like Ireland, rely on an independent national defence. As a result, Member States have been traditionally cautious about making decisions together in such a sensitive policy area as foreign, security and defence policy.

Despite this, the Member States, through the European Union, have chosen to cooperate further. In the Maastricht (1992) and Amsterdam (1999) treaties, for example, they agreed first to establish and then to develop further a 'Common Foreign



# to Make

and Security Policy' (CFSP). Decisions in CFSP are made between the national governments and while there is limited provision to take some decisions using the Union's system of Qualified Majority Voting (QMV) almost all decisions are, in fact, agreed unanimously. The European Commission and European Parliament participate in these debates but they have no role in making decisions. Nor does the European Court of Justice have any power to force Member States to cooperate or to sanction them if they break ranks.

In the Amsterdam treaty, the Member

States also agreed to cooperate specifically on conflict prevention and conflict resolution. They drew up a list of jobs that the European Union might undertake - the Petersberg Tasks - and agreed to develop both civilian and military tools that would contribute to fulfilling those responsibilities. Based upon that agreement, in 1999, the Member State Governments, meeting in Helsinki, agreed to establish what they called their 'Headline Goal' for military cooperation. The aim for military cooperation was to create a pool of resources from which they could construct a

60,000-strong peacekeeping force within 60 days, assign them to a conflict situation and be able to support them there for up to one year. This force was given the title of the European Rapid Reaction Force.

It was a difficult goal to achieve. First, the participating Member States had to establish among themselves the policy structures necessary to create and manage such a force. A Political and Security Committee, and two specialist committees of national military advisors; the EU Military Committee and the EU Military Staff Committee were thus established.

### ■ Qualified Majority Voting

Specified in the Treaty of Rome – and subsequently modified by the Treaty of Nice – QMV is the principal method of reaching decisions in the Council of Ministers. It allocates votes to the 25 EU Member States in part according to their population, but remains weighted in favour of the smaller states. A proposal is only passed if 72.3 percent of the total available votes are cast in favour.

### ■ Petersberg Tasks

The Petersberg tasks were originally adopted in June 1992 at a ministerial council of the Western European Union (WEU) held at the Petersberg Hotel, Germany. These tasks were subsequently adopted by the EU and are specified in Article 17 of the EU Treaty as defining the content of the EU's security and defence policy. Within that policy, military units of the EU Member States may be employed for:

- Humanitarian and rescue tasks;
- Peacekeeping tasks;
- Tasks of combat forces in crisis management, including peacemaking.

### ■ Battlegroups

A Battlegroup is based on combined arms, battalion sized force (1500 troops) and reinforced with combat support elements. It could be formed by a framework nation or by a multinational coalition of Member States. Each Battlegroup will be associated with a Force Headquarters and, notably, pre-identified transport and logistics elements.

### ■ EU Security/Defence Operations to Date

- EU Military Operation in former Yugoslav Republic of Macedonia (*FYROM/Concordia*)
- EU Military Operation in Democratic Republic of Congo (*DRC/Artemis*)
- EU Military Operation in Bosnia and Herzegovina (*EUFOR-Althea*)
- European Union Police Mission in the former Yugoslav Republic of Macedonia (*Proxima*)
- European Union Rule of Law Mission in Georgia (*Eujust Themis*)
- EU Police Mission in Bosnia-Herzegovina (*EUPM*)
- European Union Police Mission in Kinshasa (*DRC*) (*EUPOL "Kinshasa"*)
- EU Integrated Rule of Law Mission for Iraq (*Eujust Lex*)

However, it soon became clear that the Member States could not quickly create the force that they had promised. European defence spending was comparatively low and falling, and much of it was spent on personnel. Moreover, it soon became clear that even if they pooled their resources, Member States did not have some of the basic equipment to put such a force in the field (such as communications infrastructure, satellite technology and large military transport aircraft). In 2003 the Member States declared the European Rapid Reaction Force to be only partially operational (i.e. they could undertake those Petersberg Tasks which would operate on a small to medium-sized scale).

Having initially failed to reach their own target, the Member States shifted gear, and agreed in 2004 that the European Rapid Reaction Force would be composed of even more rapidly deployed but smaller units that could then be mixed and matched to the needs of a particular conflict situation. Thirteen such units – or so-called Battlegroups – of approximately 1,500 personnel each were proposed. With an operational target date of late 2007, this would create a total force capacity of nearly 30,000 with an aim of getting these troops in place within 10-15 days of a crisis breaking out. Some of the Battlegroups have already been designated – mostly from individual countries (eg UK and France), while others are being negotiated and will be composed of troops coming from two or more Member States.

Over the last few years, the Member States of the European Union have created EU peacekeeping forces to several conflict situations; Artemis (Democratic Republic of Congo, 2003), Althea-EUFOR (Bosnia and Herzegovina, 2004), and Concordia (Macedonia, 2004). In total, these operations have involved more than 10,000 troops from EU and other countries. Most of these missions have been approved by the United Nations Security Council. However, UN authorisation is not a precondition for an EU operation. In the case of Operation Concordia, for example, the government of Macedonia requested peacekeeping assistance but this request was vetoed by the government of the People's Republic of China at the UN Security Council. All EU operations, however, must operate - according to treaty - within the UN Charter and international law.

In the meantime, both internal and external expectations about what 'Europe' can and/or should be doing internationally have only grown. In poll after poll, Europeans declare that foreign, security and

defence policy are key areas where a common European approach is both expected and supported. Moreover, in the light of consecutive international horrors – ethnic cleansing in the former Yugoslavia, genocide in Rwanda or mass starvation being used as a tool of civil war in Sudan – the European public has demanded that Europe do more to prevent or resolve such conflicts. For their part too, European policy makers have often found themselves frustrated and angry at their collective incapacity to act – or, as in the case of the war in Iraq – even to agree a common position.

To those ends – in response to public demands and in the light of earlier policy failures – national and EU policy makers have sought to make the European Union a more credible, coherent and effective international actor. The proposed constitutional treaty is simply the latest attempt to achieve that end. For good or ill, however, the constitution continues to reflect the inconsistencies, contradictions and internal tensions that arise in any effort to better coordinate and/or direct a common foreign and security policy from among 25 independent and sovereign states

The specific provisions of the proposed constitution related to foreign, security and defence policy are easily listed and include:

- The creation of a new post, that of EU Minister for Foreign Affairs, who will have responsibility for the Union's overall foreign policy (Article I-28)
- The creation of a European Defence Agency (Article I-41.3) (Article III-311) designed to assess military capacity and to reduce defence costs and promote joint procurement
- The capacity to delegate peace support missions to a subgroup of member states (Article I-41.5) (Article III-310)
- The creation of 'permanent structured cooperation' in defence/military affairs among those states wishing to participate therein and which meeting certain agreed criteria (Article I-41.6) (Article III-312)
- Solidarity in the event of terrorist attack or natural disaster (Article I-43) (Article III-329)
- Promise of aid and assistance to a Member State that is the victim of an "armed aggression on its territory" (Article I-41.7)
- A European External Action Service (EEAS) is to be established (Article III-296.3)
- An extension in the areas covered by the common security and defence policy - the so-called Petersberg Tasks (Article II-309) to include joint disarmament operations,

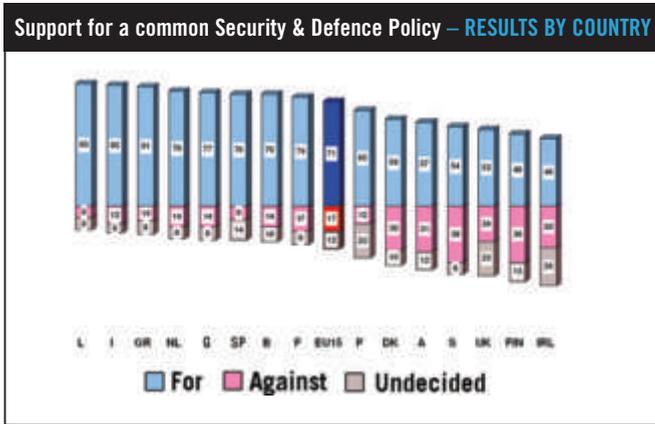
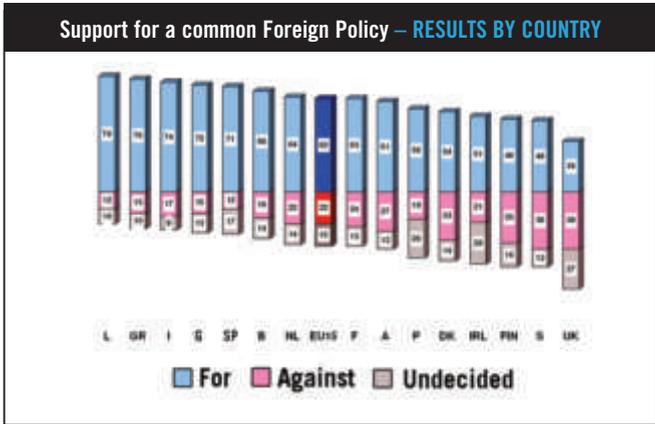
military advice and assistance tasks, conflict prevention and post conflict stabilisation.

These provisions, however, do set the stage for some complex politics into the future. While the EU Foreign Minister – and Javier Solana has already been chosen to fill the post once the treaty is ratified – is to have overall responsibility for EU foreign policy, he must coordinate that work with four other EU Commissioners, the European Council President and his 25 national ministerial colleagues – whose monthly meetings he will now also chair. The Foreign Minister also has to work through two very different institutions. Depending on the issue, Solana's coordinated foreign policy will have to be implemented either through the Commission, of which he is a Vice President, or the Council Secretariat, where he remains in charge of CFSP. Very different decision making rules will also

apply, again depending upon the foreign policy area. Solana must secure appropriate majorities in both the Commission and the European Parliament in order to coordinate trade, aid and development policy while he must separately win unanimous agreement from among the national foreign ministers, Prime Ministers and Presidents in the Council of Ministers and European Council when he is dealing with CFSP and/or defence matters. Finally, it is proposed that Solana's staff – the new EEAS based in more than 120 diplomatic delegations internationally and a newly-established Brussels-based headquarters – is to be composed of staff coming from the Commission, the national foreign ministries and the Council Secretariat. Up to one third of that staff will also be regularly rotated between their temporary assignments with Solana's office and their permanent jobs in Brussels or in national capitals. This is not

exactly a neat and simple set of arrangements!

What these arrangements do reflect, however, is the built-in tension between the Member States' ambitions for a truly coherent, credible and effective foreign policy for the European Union and their absolute determination to retain their national sovereignties and their right to conduct independent foreign policies. The Member States want Javier Solana to have the bureaucratic structures necessary to run a successful EU foreign policy but are unwilling to give him (or any other common EU institution) the necessary political power to do so. That is the preserve of the Member States. What Solana is supposed to have may look like an EU foreign policy and perhaps may even talk like an EU foreign policy – but it will, in the end, continue to be a policy that depends upon the political will of the Member States.





What Solana and others have to bank on, is that, over time, the Member States will work more and more together rather than separately and that they will become increasingly determined to see the Union act on their behalf. Through this gradual process – which cannot be legislated for – Member States will see their national foreign policies become progressively ‘Europeanised’ over time. They will also increasingly define their interests together so that, ultimately, achieving unanimity among the Member States in pursuit of shared policy goals becomes easier and easier.

For Ireland the choice is potentially difficult. On the one hand there is no – and there never has been any – prospect of Ireland being ‘forced’ into a common foreign policy or common defence against its will. All of the decision making structures and policy procedures make ample provision for Member States to support, oppose or abstain from common actions and positions. At the same time, it is evident that being a permanent ‘outsider’ entails its own costs – especially as the Union gets bigger and more and more states make their claim that they are committed to a shared European future.

As the instruments of foreign, security and defence policy are extended, however, the costs of an ‘outsider’ position become higher. In Ireland’s case, for example, participation in peace-support ‘battle groups’ implies a willingness to act alongside one’s partners. For the Irish Government, however, the so-called ‘triple lock’ on Irish participation in such endeavours requires a UN authorisation. Unless other EU partners chose to bind themselves by such a requirement – or are willing to accommodate the prospect of critical Irish troops being dropped from a battle group at the last moment in the absence of UN authorisation – it is difficult to see how Irish peacekeeping and/or peacemaking troops can be accommodated in these new structures. The question is only marginally less acute for the Rapid Reaction Force as a whole. Even if the inter-departmental working group resolves existing legislative and constitutional difficulties, our ERRF partners must factor into their planning the prospect that Ireland’s 850-strong contribution maybe pulled out against the wishes of an Irish Government but due to political and/or bureaucratic difficulties in an institution 3,000 miles distant and for reasons – as in

the case of Operation Concordia – which may have nothing whatsoever to do with the case at hand.

At the same time, it must be recognised that the ‘triple lock’ is there for a reason. Officially, the argument is that Ireland’s commitment to the UN and international law is so profound that Ireland is unwilling even to countenance acting overseas without its formal authorisation. More pragmatically, however, the Government also judges that there is insufficient public support to sustain international peacekeeping that does not have UN authorisation. Ireland’s veto over all EU military/defence-related issues is clearly less significant than the veto that the ‘triple lock’ gives to the UN Security Council over Irish peacekeeping.

The proposed constitution’s provisions on EU foreign, security and defence policy offer a framework from which a credible, coherent and effective policy may emerge. This is subject to both the political will of the Member States to make this happen as well as EU and national policy makers’ capacity to make a success of a set of very complex institutional arrangements. If both of those substantial preconditions are met, then Irish policy makers will be faced with a challenge. That challenge will be to ensure that the Union’s security ambitions and the use of its policy tools remain consistent with the demands of the UN Security Council.

Many scenarios can be envisaged in which such consistency may prove to be an illusive, even perhaps impossible goal. If Ireland repeatedly chooses to ‘opt out’, veto or abstain from EU actions then only a marginalisation of Ireland within the Union’s foreign policy structures can result. If, on the other hand, Ireland can ensure that a UN key is always available to unlock Ireland’s contribution to EU foreign and security policy cooperation, then no difficulties will arise. The likelihood, of course, is that neither extreme case will arise and that Ireland will continue – as heretofore – to try and manage these two critical sets of relationships.

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