

Why the EU needs an institutional reform of its external relations¹

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A weak actor with an authoritative force

The role of the European Union (EU) in the international arena is not easy to understand. In the fields of trade and development cooperation the EU has been able to impose itself as an important actor, thanks to the effectiveness of its powers and the clarity of the existing procedures. But when it comes to diplomacy or security, things get more complicated. During the last years the European Institutions have certainly acquired important powers in the fields of foreign, security and defence policies (CFSP, ESDP), but the complexity of the institutional mechanisms ruling these competences and the unanimity system didn't allow the EU to impose itself in a clearly defined role on the international arena. Thus, the result is a confusing framework, from which the EU appears and disappears according to the topic and the mood of the European Council members. Kosovo, Russia, Iraq, Iran, Middle East, Africa: when it doesn't evaporate, the EU faces the great international security challenges each time in a different way and with a very variable influence capability.

In this context, it is difficult to define what the EU is in the world, as it is itself not permanently defined. Anyway, even if the EU has neither a coherent common foreign policy nor a common army, it still remains somehow influential in the world. How is it possible? Some analysts, as Hanns Maull, consider that, "as a post-modern force, rather than a modern power, the EU exercises its influence and shapes its environment through what it is, rather through what it does". In other words, they see the EU as a passive force and not as an active power².

This vision is probably too stern. In some cases, the EU has proven to be an influential actor in the world (for example, the EU role in Africa is underestimated by analysts and medias). However, it is true that the EU doesn't appear as a coherent global actor, acting with constancy. Therefore, however exaggerated, the image of Maull has the merit of illustrating the nature of the EU problem in the world: a weak actor with an authoritative force.

The problem of coherence facing the new threats

The reason why the EU is weak is well known. The split of competences between institutions in foreign relations has inevitably created a problem of coherence within the EU action, while the

1. Speech given at the European Cooperation in Scientific and Technical Research seminar (COST – Action 24) "The EU as a Global Actor", 28-29 May 2007, Tallinn University, Estonia.

2. H.W. Maull, « Europe and the new balance of global order », *International Affairs*, n° 81, 4, 2005.

complexity of procedures is at the origin of the EU slowness to react, when the European Council does find consensus for a reaction.

The problem of coherence is in-born in the institution of the Common Foreign and Security Policy (CFSP) in 1992 and, particularly, of the European Security and Defence Policy (ESDP) in 1999. The CFSP and the ESDP have been created with the aim, on one hand, to give the EU competences in defence and security matters, without, on the other hand, taking powers away from Member States (MS). In other words, the CFSP/ESDP have been created in order to marginalize the supranational institutions of the EU (European Commission and European Parliament) in favour of the Council.

But while MS were setting up the CFSP/ESDP, the evolution of the international community and the rise of the new threats (terrorism, failing states, international criminal groups, etc.) made the development cooperation a growing strategic policy in the security field. And as is well known, the Commission, in the framework of the Community system, manages the development policy. So, the growing strategic importance of the development policy inevitably originated a growing problem of coherence in the EU action in the world: indeed, today, when it comes to security, the EU action is broken up into two different types of policies, with two different sets of institutions and procedures for their management.

This problem has been stressed by the fact that, when the ESDP was created, its powers were not limited to military crisis management missions, but have been extended also to some civilian crisis management missions (the ESDP can act in 4 civilian fields: rule of law, administration, civil protection and the police). At the same time, the development policy of the Commission has always had several cooperation programmes in political fields such as conflict prevention, human rights, rule of law, democratisation, DDR (disarmament, demobilisation and reconstruction), post-conflict reconstruction, etc. This overlap of competences for civilian crisis management brought a lot of confusion inside the EU.

Besides, the problem of coherence is not limited to the dualism between the Council and the Commission. If we look inside these institutions, we can see a very complicated bureaucracy machinery. In particular, it is interesting to remember that, when acting in external relations, the Commission is scattered into 6 Directorate-General, headed by 4 different Commissioners.

The distribution of powers between these Directorate-Generals illustrates the existing confusion. And we should not forget the role of the President of the Commission, who represents the institution at the highest level in the world. Besides, the Commission being a collegial institution, the powers that its President has on its Commissioners are generally limited. And this is yet another source of confusion.

Finally, if we add to these 5 actors in the Commission the Presidency of the European Council (which represents the EU in the world) and the High Representative for the CFSP, we amount to no less than 7 actors when it comes to external relations.

The impact on the field

The problem of coherence is not just a theoretical one. It has strong consequences on the capacity of the EU to influence its partners, thus reducing the “potential force” mentioned before. The EU is the most important economic actor of the world and the European institutions are amongst the biggest aid donors. The Commission manages more than 7 billions euros of aid per year, which represents around 11% of the overall European aid, which in turn represents 54% of the global aid.

The aid is a precious tool at the EU disposal. And it is not the only one. The EU also benefits of an excellent image in the world, if compared to the image of the United-States or of the single Member States. In a worldwide survey recently made by the BBC, the EU is at the top of the list of international actors who inspire more trust in the world³. Combined with the aid cooperation and its economic strength, these elements represent an extraordinary asset that the EU will not be able to exploit fully if it doesn’t improve its ability to act coherently and with constancy in the long term.

Two examples, even if extremes, can help understand the concrete consequences of the problem of the EU coherence on the field.

An example from Rwanda

The EU is Rwanda’s first donor. This country plays a key role for the political stability in the entire Great Lakes region. So, it could be interesting to see what influence the EU was able to exert on Kigali when, in 2003, it sent an electoral observation mission to monitor the presidential and general elections.

Within the European institutions, the management of electoral observation missions pertains the Commission in the framework of its development cooperation policy. But if this activity is supervised by cooperation programmes, nonetheless the attitude towards a freshly elected government comes within the competences of standard diplomacy, that is of the CFSP.

What happened during the last European mission in Rwanda? Too many European foreign actors simultaneously adopted a whole range of possible attitudes towards a presidential election, which were, moreover, contradictory. The EU election observation mission stated that, if the democratic process had taken a step forward in the country, many election riggings and other serious problems were observed⁴. The President of the Commission backed this position.

A few days later, Javier Solana, High Representative for the CFSP, made a statement in the opposite direction: “Mr Kagame’s determination (the Rwanda President elected with 97% of vote), courage and wisdom are needed in order to face the multiple challenges Rwanda is still confronted with”, he said⁵.

Three days later, the Presidency of the Council, Italy at the time, noted “with concern the difficulties encountered by supporters of political parties openly opposed to the Government“, and worried about “acts of harassment and intimidation, disappearances and arrests of members of the political opposition”⁶.

To complete the variety of European attitudes towards the Rwandan election, let us quote the intervention of Belgium, acting as the EU representative in Rwanda due to the absence of Italian embassy in this country: during a two days stay in Kigali, the Belgian Foreign Minister (at the time

3. http://www.bbc.co.uk/pressoffice/pressreleases/stories/2007/03_march/06/poll.shtml.

4. See the preliminary declarations of the EU Election Mission Observation to Rwanda for presidential and general elections, Kigali, 27 August 2003 and 3 October 2003.

5. “Xavier Solana, EU High Representative for CFSP, congratulated President Paul Kagame on his victory “,, Press release 26 August 2003, S0165/03.

6. Declaration by the Presidency on behalf of the European Union on the presidential elections in Rwanda, 29 August 2003, P103/03.

Louis Michel) declared that the elections were free and fair and denied the work of the observers (who had stayed in the country for three months).

Finally, to conclude we might also add to this picture the diametrically opposed bilateral policies of France and the United Kingdom. The former being highly critical of Kigali's power, the latter being an enthusiastic supporter of Kigali's.

As said earlier, the EU is the most important aid donor to Rwanda and one of the most important donors in the world. In order to exploit its economic and moral influence, it developed the principle of political aid conditionality with the aim to promote stability, democracy and human rights in the world through cooperation. How could the EU effectively use such a precious tool in these conditions?

The Example of ECOWAS Small Arms Moratorium

The second example illustrating the problem of the coherence concerns the fight against small arms proliferation. In the framework the CFSP/ESDP, the Council adopted in 2002 a Joint Action on the European Union's contribution to combat the destabilising accumulation and spread of small arms and light weapons⁷. This Joint Action allowed the CFSP to finance in December 2004 an ECOWAS (Economic Community Of West African States) program in this field⁸. In that respect, the CFSP has granted 515.000 euros to the ECOWAS.

At the same time, actions of support to the ECOWAS in the field of small arms and light weapons were planned through development cooperation programmes of the first pillar managed by the Commission. The Commission had indeed planned to grant 10 million euros in order to support ECOWAS. Part of this amount was assigned to the same ECOWAS programme related to small arms and light weapons.

Consequently, we have two different financial support actions planned by the EU for the same object. The lack of coordination between the CFSP and the development cooperation has sparked off a debate between the Council and the Commission about who is responsible for this kind of action. According to the Council, the fight against the proliferation of small arms falls under ESDP, as it concerns a security policy related to crisis management. The Commission considers that this policy is embedded in its cooperation programmes. The Commission has referred this case to the European Court of Justice in order to clarify this issue⁹. This example shows that the coherence problem also carries a risk of waste of public funds.

Defence and foreign policy: the need of parallel reforms

The problem of coherence is not exclusive to the EU. Every big administration always requires a better coordination between their different services. But within European institutions, this issue is particularly serious, as it is directly related to national sovereignty and to the quality of the European integration. The coherence was therefore the main challenge the Constitution was supposed to solve in the field of external relations. Its original proposal to create a new inter-institutional figure gathering the Commission and the Council competences in external relations (the so called Minister for Foreign Affairs, which could now change his title), as well as the creation

7. Joint Action 2002/589/CFSP.

8. Decision 2004/833/CFSP.

9. Case C-91/05, OJ C 115, 14/05/2005.

of a President of the European Council representing the EU for 2 and a half years (renewable) were the main answer¹⁰. But behind these macro-institutional changes, the most important reform needed would be the reduction and rationalisation of the European Commission (expected for 2009) and the creation of an External Service gathering the civil servants of the Council and the Commission (and some members of national administrations).

These reforms would probably be insufficient in order to solve the problem of coherence. Nevertheless, they would represent a step forward in the field of European integration, a step forward that has been missing for years and that the EU must absolutely take. Indeed, we must not forget that the EU is making relevant progress in the field of defence. The creation of complementary military capabilities in the framework of the ESDP today seems to be the only EU policy that is making progress. This is certainly a good thing. But can the EU develop its military integration through the ESDP without improving its political integration in foreign relations?

The quality of the EU integration in foreign relations remains too poor. From a purely institutional point of view, we could almost provocatively say that, in the field of security, the UN is more integrated than the EU. The Security Council makes decisions at the qualified majority, and only five of its members have a veto power. The EU needs unanimity of its 27 members in order to be able to make a decision to be applied outside its borders. The European Union has already created a common currency without creating a common economic policy. It should now avoid the creation of military capabilities without “political capabilities”.

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10. See F. Santopinto, “La Constitution pour l’Europe et la politique étrangère : quelle avancées ? », *Les Notes d’analyse du GRIP*, 2004, <http://www.grip.org/bdg/g4549.html>.