



Centrum Stosunków Międzynarodowych
Center for International Relations

Reports & Analyses

5/04

Dr. Simon Duke

The Enlarged EU and the CFSP

This Report has been published in co-operation with the Konrad-Adenauer-Stiftung

CENTER FOR INTERNATIONAL RELATIONS

ul. Emilii Plater 25, 00-688 Warszawa
TEL.: (22) 646 52 67, FAX: (22) 646 52 58
www.csm.org.pl, info@csm.org.pl

***The European Union and its enlargement
Challenges for the Future***

Tuesday, 30 March 2004

Presentation to the Center for International Relations
and the Konrad-Adenauer-Stiftung

by

Dr. Simon Duke
EIPA, Maastricht

The Enlarged EU and the CFSP

CFSP played a relatively minor part in the accession negotiations – indeed, with only an *acquis politique* to demonstrate, the CFSP chapter was nearly always the first to be closed. The far more complicated *communautaire* aspects, such as structural funds or agriculture, are thankfully beyond this examination. This does not mean however that there is any shortage of topics, falling outside the formal boundaries of the accession process, to debate and think about with regard to enlargement and CFSP. It is also the case that CFSP, perhaps more than any other area of the EU activities, is developing rapidly and thus subject to change.¹ From the analytical point of view this makes CFSP a challenging area to address since it is subject to at least three types of flux:

- CFSP is in a state of flux with regard to the IGC and the draft constitution and, with or without a constitution, there will be fairly dramatic consequences for CFSP;
- Linked to the above observation, CFSP will have to find innovative ways of adapting to EU enlargement and this will mean changes to decision-making and procedures;²
- Relations with significant third parties (the U.S., Russia or regions such as the Middle East) are also being redefined.

In many of these critical issues the acceding countries have already had an impact in the context of the Convention – due in no small part, in Poland's case, to the Minister of European Affairs. Aside from the Convention, the

¹ Developments in Justice and Home Affairs and Police and Judicial Cooperation in Criminal Matters may also warrant this description. These areas, alongside CFSP, illustrate the growing concern with a variety of disparate security challenges facing the Union as well as the growing overlap between the 'internal' and 'external' security dimensions.

² See *Guidelines for Reform and Operational Recommendations*, Approved by the Helsinki European Council, 10-11 December 1999.

acceding countries were actively involved in the EU institutions as observers. There is though the danger that the period as observers, shortly to end, will lull the current EU Member States into a false sense of calm. It is tremendously difficult to begin to assess the actual impact of the accession states since as observers the emphasis has been on learning the institutional strings and adjustment to the new environment. It would therefore be a mistake to treat the 'observer' period as a sign of things to come since, once members, the new Members will press for their interests based on their own distinct geographical, historical, cultural, political and economic concerns as well as for what they perceive to be the common (European) good.

Before examining some of the challenges of enlargement for CFSP (and note, the word challenges is used in preference to 'problems' since many of the issues that will be faced are not due to the acceding countries *per se* but the state(s) of flux outlined above) let me dispense with the fairly widespread myth that EU enlargement will usher in vehemently pro-Atlantic countries who will fundamentally change the orientation of CFSP.

The Atlanticist accession?

A comparison of the association patterns of the acceding countries (along with the candidates and the European Economic Area countries) indicates that there is broad congruence in terms of foreign and security policy outlook. On those occasions when acceding countries have chosen *not* to associate with a CFSP position, it was normally due to the sensitivity of the issue for the country in question (over, for instance, Russia in the case of the Baltic states) or a simple lack of time in which to respond. On the basis of association with CFSP instruments, or those adopted by the EU Member States in the UN General Assembly, there is little to suggest remarkably different outlooks or, to put it more accurately, a similar spectrum of positions are reflected to those represented in the current EU Member States.

Concerns about not just the pro-Atlantic bias of the accession countries, who were after all also NATO candidates or recent members, was magnified by the polarising arguments surrounding UN Security Council Resolution 1441 at the end of 2002 and the start of 2003. In this atmosphere it was little wonder that the Group of Eight letter³ and the subsequent Vilnius Ten letter, and Chirac's intemperate reaction, are sometimes exhibited as evidence of a firm pro-U.S. bias in the foreign and security policies of the acceding countries at odds with a European bulwark. However, the G8 letter was launched through the *Wall Street Journal* (Europe) in January 2003 in response to a Aznar-Blair initiative.⁴ It could therefore be argued that the accession countries actually demonstrated their European *as well* as their Atlanticist credentials.

³ The signatories to the first letter were the Czech Republic, Denmark, Hungary, Italy, Poland, Portugal, Spain and the United Kingdom.

⁴ See Quentin Peel, James Harding, Judy Dempsey, Gerard Baker and Robert Graham, 'The Plot That Split Old and New Europe', *Financial Times*, 27 May 2003.

Chirac's stinging criticism of the acceding countries and even more biting criticism of Bulgaria and Romania, drew swift reactions from Chris Patten, who commented that the candidates 'expect to be treated as equals' and Pat Cox, the President of the European Parliament, who was critical of France for creating its own divisions in Europe. Polish Deputy Foreign Minister, Adam Daniel Rotfeld saw the comments as 'harmful and unnecessary'. The incident illustrated a number of potentially worrying trends:

- i) The assumption that the accession countries and the candidates should be compliant with the larger Member States (which, in a sense, they were);
- ii) That the acceding countries should not assume equal weight in foreign and security matters which are viewed primarily as the domain of the larger Member States;
- iii) That the familiar themes of European v. Atlanticist positions, along with intergovernmental and communautaire tensions, were far from dead.

The temptation to think of this incident and, more generally, the enlargement of NATO, as the root of an either (European) or (Atlanticist) choice is though one conditioned more by western European history than that of central Europe. In particular France's well-publicised differences with the U.S. over a variety of security-related issues have heightened concerns over the Atlanticisation of the EU. For the EU accession countries (minus Cyprus and Malta which are special cases) there is no contradiction in being loyal Europeans *and* being good transatlantic partners. Given their histories, the EU accession countries are security maximisers, seeing the value in more general security guarantees through EU membership and the harder forms of security guarantee being offered through NATO (which, incidentally, may pose problems for the adoption of a mutual defence guarantee in the constitution).

The European v Atlanticist tensions were also manifest in other ways, such as the Polish decision to purchase F-16 fighter planes which contrasted with the Czech decision to upgrade its ageing MIG-21 fighters with the Swedish-British Jas-39 Gripen (which was then ditched due to the heavy costs of flooding) or the Hungarian choice for the Gripen. In reality, the political symbolism that should be attached to these decisions was mainly imposed from outside and ignored the fact that EU Member States had themselves made decisions based on national priorities and defence-industrial interests and not necessarily calculations about how to enhance interoperability and effectiveness.

It is therefore possible that EU accession will lead to firmer support for NATO on the part of the acceding countries, particularly in those areas where the transatlantic guarantees are seen as most vital – notably defence. In the areas of soft and hard security addressed by the EU, the acceding countries are likely to perceive their interests with the Union, if only because of its broad array of instruments with which it may address a broad range of security issues.

Tow the line?

The specifics of the earlier differences over policy towards Iraq may be forgiven, but not forgotten. One of the abiding lessons over the Iraq fiasco from a CFSP perspective for members, about to be members and candidates alike, was the spectre of Europe operating at twenty-five without a credible CFSP. Not all though was pushed under the carpet since a more general issue remained, implicit in Chirac's remarks, of how the smaller EU members will deal with France, Germany and the United Kingdom who have shown an increasing tendency to caucus at three or, when need be, to operate outside CFSP or on behalf of their colleagues. The actions in October 2003 in Tehran by France, Germany and the United Kingdom is an often quoted example – but there are numerous other examples of such exclusive coordination, sometimes to the irritation of the smaller Member States or to the CFSP institutions themselves.

This is perhaps one of the largest challenges that Poland and the other acceding countries will have to think about – how the new members deal with the 'Big Three', or some type of 'directoire' as it is often referred to? Some have implicitly suggested that the *directoire* is fast becoming a fact of life, even if it is unpalatable to the smaller Member States and raises all kinds of interesting questions regarding legitimacy. The arguments forwarded by Steven Everts of the Centre for European Reform and Antonio Missiroli of the EU-ISS in favour of a European Security Council clearly point in this direction.⁵ The suggestion is to create a consultative council with four permanent members (the Commission would also, sensibly, have a seat) while the remainder, making a total of no more than ten, would rotate.

Such a consultative council would have the obvious benefit of encouraging the Three to work within the EU framework rather than, somewhat arrogantly, do what they intend to do outside the institutions in the name of their EU colleagues. There is the obvious temptation for a completely unencumbered *directoire* to take cudos for Tehran-type triumphs, while moving complicated or messy issues to the EU at large. The arguments for the formalization of the *directoire* may also be strengthened if there is a significant period of time when CFSP has to make do with the current decision-making mechanisms, the rotating Presidency and need for consensus at twenty-five.

There seem to be three fundamental objections to the formalisation of the *directoire*:

- The implicit assumption behind the European Security Council argument is that CFSP cannot work effectively at twenty-five (at least with the current treaties) and that recognising the role of the three as *primus inter pares* is a form of flexibility. The logic of this argument though does not explain why the permanent

⁵ Steven Everts and Antonio Missiroli, 'Beyond the 'Big Three': To claim a global role, the EU needs its own security council', *International Herald Tribune*, 10 March 2004, at http://www.cer.org.uk/articles/everts_iht_10march04.html.

- members of the Council should be limited to three and, presumably, others such as Italy, Poland and Spain could forward legitimate arguments for inclusion in the inner sanctum;
- It is not clear how the European Security Council would work with the current CFSP decision-making structures, let alone those that will be introduced in the constitution. Consider, for instance, how the Presidency or the Union Minister for Foreign Affairs might function with such a Council in place;
 - Finally, the *directoire* could be rejected as undermining the legitimacy of CFSP, as contrary to the very notion of all being equal members with an equal voice in the search for consensus and, for the acceding countries, the denial of a full voice in all aspects of CFSP could have unpleasant historical resonances. This would not however negate the tendency, or temptation, for the Three to operate as a *directoire* when they wish to, but the coordinated objections of 22 might carry more weight to those of 12.

It is unlikely that the European Security Council will foster much support, especially from the acceding countries. There remains though the issue of why numerous forms of flexibility are being forwarded, both in the context of the Convention on the Future of Europe, or outside it; is it because there is an implicit acceptance that the EU is simply not ready for CFSP at twenty-five or, worse still, it will not work at that number?

Working at twenty-five – or not?

The extent to which the EU is ready for enlargement with regard to external relations can be seen in quite different ways.⁶ On the positive side, as has been mentioned, the acceding countries have demonstrated a reasonable consistent pattern of alignment with the CFSP *acquis politique* and, more generally, the EU's positions in international fora, even if the pattern of alignment suggests that 'homogeneity is more likely to be achieved on positions regarding distant countries and regions; the closer the addressees of CFSP policies are, the deeper the dividing lines between the Fifteen and the future members'.⁷ Although alignment since April 2003 has shown encouraging congruence between existing and future members, it is clear that enlargement will offer challenges as well as benefits. As obvious as it sounds, the geographical location and recent historical experience of the new central European members will have an impact on a number of sensitive areas of EU external relations, such as EU-Ukrainian or EU-Russian relations. Although speculation, their proximity to Belarus, Russia and the Ukraine, when mixed with their individual histories, may well differ from the positions adopted by the current (especially larger EU Member States) who are more inclined to engagement than containment.

⁶ See Simon Duke, *Beyond the Chapter: Enlargement Challenges for CFSP and ESDP*. (Maastricht: European Institute of Public Administration, 2003).

⁷ Elfriede Regelsberger, 'The Impact of EU Enlargement on CFSP: Growing Homogeneity of Views amongst the Twenty-Five' in *FORNET*, November 2003, Vol. 1, Issue 3, p.5.

Moreover, the enlargement of the EU will take place without a Constitution. Many of the innovations suggested by the Convention in external relations, such as the Union Minister for Foreign Affairs, the European External Action Service or the Foreign Affairs Council, will have to wait. The Union will therefore have to deal with increasingly complex realities in the near future with the current set of largely improvised institutions and mechanisms. Enlargement to twenty-five is likely to not only complicate decision-making, but to lead to changes in the EU's interests and priorities. The practical difficulties of working at twenty-five might include:

- Further changes in Council procedures so that more is pushed to the level of the working groups and less actually hammered out at ministerial level. This need not be a negative development, but it does raise questions of legitimacy and national oversight in potentially sensitive areas of foreign or security policy;
- A slightly less 'club' like atmosphere in, for example COREPER, where the sheer numbers – which were already stretched at fifteen – may pose problems for the Council's ability to react in a timely manner to a variety of scenarios;
- Competing agendas and priorities, especially since some of the acceding countries will have interests in promoting an eastern and northern dimension, while others wish to emphasise a southern (south-east Europe, Mediterranean and Greater Middle East) dimension;
- Considerable logistical problems in some cases (language, small home civil services and travel distances, to name but a few).

There is the obvious danger that the introduction of the constitution will be seen as a panacea. Whilst the constitutional innovations in the CFSP area certainly have the potential to increase consistency in external relations generally, fresh issues will surface such as:

- How will a revised rotating Presidency work and what role, if any, will the Presidency play in external relations (bearing in mind that the Foreign Affairs Council is largely separate from the revised rotating Presidency)?
- How will the new (and older) Member States react to the Union Minister of Foreign Affairs who, at least on paper, will have a remarkably strong role?
- Will the new Member States (and existing smaller Member States) take kindly to various forms of cooperation based on 'higher capabilities'?
- How will the new Member States be represented in the Commission in critical areas of external relations (external relations, trade, development and enlargement)?

This is not the time or place for an exhaustive analysis of the draft constitution, but it should be stressed that in the CFSP area particularly the constitution cannot be considered definitive. The constitution should be viewed as one for, perhaps, five years and not much more. The tremendous national sensitivities towards European integration when it comes to foreign and security policy are shared in new and old members alike and the new Member States are likely to be less enamoured than many of the older Member States to schemes to *communitarise* CFSP. The fundamental issues of how consistency in EU external relations as a whole can be improved and how to address the different *modus operandi* in EU external relations, will survive enlargement and become a shared challenge.

Implications for Security and ESDP

One of the paradoxes of CFSP, and one which will doubtlessly fill a doctoral dissertation or two, is how in the midst of the apparent disintegration of CFSP over differing approaches to Iraq (nothing appeared to be common, there was no evident policy, quite aside from security, but all was foreign) some modest but remarkable developments took place in ESDP? Three operations were launched during the course of 2003, in which many of the EU accession countries as well as third parties participated. Part of the response to the paradox rests no doubt in the particularities of the individual EU Member States' relations with the Bush administration and the need to respond to a separate list of security challenges in which the U.S. had little, or no, vital interest.

As with CFSP, the experience of working with the acceding EU countries (also as NATO members or candidates, or in OSCE missions) in crisis management gives grounds for guarded optimism. So far, the experience suggests that EU enlargement is likely to bring some 'soft' security benefits, especially through knowledge of the EU's new neighbours and borderlands, diplomatic expertise and peacekeeping experience. On the 'hard' security side, CFSP has suffered from a well publicised capabilities-expectations gap since the early 1990s and the new Member States are unlikely to alleviate this problem, especially as their defence budgets are likely to remain constrained by the competing demands of Union membership (this is a point not only confined to the EU since it applies with equal relevance to NATO enlargement).

In Poland's particular case its potential contributions to Petersberg tasks are relatively substantial. Poland also brings relevant experience to the table, such as its support for the Stability Pact for S-E Europe, its UN experience (Lebanon, Syria/Golan Heights, Bosnia and Kosovo). Poland's role in including 'outsiders' in European security matters will also be of significance by diminishing the impression of post-enlargement (EU and NATO) exclusivity. Hence the Polish-Ukrainian 'framework unit' (at around 2,000), created in November 2000, will be available for EU contingencies. However, it remains to be seen whether the close Polish-Ukrainian partnership will be maintained post-EU enlargement and whether the Ukraine will retain its enthusiasm for inclusion in Petersberg tasks.

Somewhat more controversially, its experience in Iraq has heightened Poland's profile in terms of willingness and ability to carry out a variety of operations. The military reforms that have been carried out in Poland since the adoption of its official security strategy in January 2000, and those elsewhere in the region, will complement those of the EU Member States and assist in planning for future Petersberg scenarios. However, enlargement is unlikely to assist the underlying tensions in ESDP which range from the well publicised capabilities-expectations gap, as well as issues of interoperability and burden-sharing related tensions. With this in mind three general observations need to be made:

- First, the slim defence budgets of the newer members, even when acknowledging recent upgrades carried out with NATO membership in mind, are unlikely to substantially enhanced interoperability. When using a GDP benchmark, Poland's defence expenditure looks respectable (at around 2.06%) and in terms of the CEE '10' it contributes \$3.3 billion out of \$7.36 billion (2002) – comparable with say Belgium ;
- Second, enlargement will complicate the debate over funding, especially about how the Community aspects and those aspects having military or defence implications (which are charged to the Member States) are apportioned. Competing *communautaire* fiscal demands on the new members may also circumscribe the amount available for defence expenditure;
- On defence issues the new members are likely to mirror the support amongst existing EU Member States for an active EU role in foreign policy but mirror reservations when it comes to a defence role for the Union (with 67% in Poland's case being opposed and 25% in favour of an EU role for decision-making in defence according to *Eurobarometer*). In part this is understandable since NATO is seen as the main guarantor of defence-related guarantees, but there are also national sensitivities, just as there are amongst the existing EU Member States.

The issues to be faced by Poland are perhaps typical of those of many current EU Member States; namely, how to balance competing demands while avoiding overstretch and how to prioritise. The prominent global role played by Poland vis-à-vis Iraq may well lead to demands for greater regional participation, especially in a follow-on EU led operation in Bosnia Herzegovina. In Poland's case it is clear that the priority is to develop the EU Eastern dimension whilst simultaneously being involved in EU policy for other areas.⁸ The practical manifestations of this in crisis management terms may stress Poland's resources, especially since the CFSP demands clearly recognise the importance of Europe's Wider Neighbourhood, while ESDP is

⁸ See *National Security Strategy of the Republic of Poland*, Warsaw, 22 July 2003 at <http://www.polonya.org.tr/Security.htm> .

likely to lead to further involvement in the Balkans and points beyond, such as Africa.

Conclusions

EU enlargement will be a mixed bag for CFSP in the short-term as the process of adaptation to working at twenty-five is undertaken. There are distinct benefits to enlargement, especially when the Union speaks with one voice at twenty-five. Of course, there is also the risk of cacophony when a coherent voice does not emerge – something already demonstrated at fifteen. The difficulties of decision-making at twenty five led to demands for increased flexibility in the draft constitution in the form of co-operation of various kinds: this will pose a challenge for acceding countries and existing EU members alike as the delicate balance between the need for flexibility and consistency is sought.

Co-operation may also be manifest in the form of the *directoire* who, on many foreign and security matters, may be tempted to act as *primus inter pares*. The challenge for the acceding states will be how to react to a nascent *directoire* – whether to support its possible formalisation, or whether to accept that it is a fact of CFSP life while, at the same time, ensuring maximum legitimacy for CFSP. This will be a second difficult juggling act.

The enlargement process has been described above as a process of mutual accommodation. It is less apparent that the same amount of accommodation has been manifest by the current Member States and this may result in a certain amount of adjustment as the newer members assert their priorities and positions on a number of key issues, including not only the internal aspects of CFSP but also their role in defining the EU's relations with significant third parties such as Russia and the Ukraine.

Finally, Poland will bring considerable diplomatic skills, military capacity and relevant experience to the EU table. This is to be welcomed. It remains to be seen what role Poland will carve for itself but it stand to be a major influence in many aspects of CFSP and ESDP. Poland's role, as significantly the largest acceding country, will yield benefits but it will also bring demands that go along with membership. Although it should be stressed that significant common outlooks and interests have already been identified between the EU members and the acceding countries, accession in the CFSP area will pose a challenge precisely because it remains under construction. It is natural that Poland looks to the EU (and NATO) as security providers, but they in turn will become security providers as members of the EU and this means not only to the east, but to the south and points beyond. For the existing members, the test will be in not only working with ten new members but accommodating the new members' sensitivities and perspectives.

Center for International Relations

WHO WE ARE?

The Center for International Relations (CIR) is an independent, non-governmental establishment dedicated to the study of Polish foreign policy as well as those international political issues, which are of crucial importance to Poland. The Center's primary objective is to offer political counselling, to describe Poland's current international situation, and to continuously monitor the government's foreign policy moves. The CIR prepares reports and analyses, holds conferences and seminars, publishes books and articles, carries out research projects and supports working groups. Over the last few years, we have succeeded in attracting a number of experts, who today cooperate with the CIR on a regular basis. Also, we have built up a forum for foreign policy debate for politicians, MPs, civil servants, local government officials, journalists, academics, students and representatives of other NGOs. The CIR is strongly convinced that, given the foreign policy challenges Poland is facing today, it ought to support public debates on international issues in Poland.

The founder and president of the Center for International Relations is Mr Janusz Reiter.

OUR ADDRESS:

UL . Emilii Plater 25, 00-688 WARSZAWA
tel. (0048-22) 646 52 67, 646 52 68, 629 38 98
fax (0048-22) 646 52 58
e-mail: info@csm.org.pl

You are welcome to visit our website:

www.csm.org.pl

OUR SPONSORS:

- The Ford Foundation
- The Stefan Batory Foundation
- The Konrad Adenauer Foundation, Poland
- German Marshall Fund of the United States
- Robert Bosch Stiftung
- The Foundation for Polish-German Cooperation
- Haniel Stiftung
- PAUCI
- Bank Przemysłowo-Handlowy PBK S.A.
- WestLB Poland S.A.

A number of projects implemented by the Center have been sponsored by the Ministry of Foreign Affairs of the Republic of Poland and Ministry of Defence.

The Reports and Analyses of the Center for International Relations are available online at the CIR website: www.csm.org.pl