

EPC/IRRI-KIIB Joint Conference
Will the IGC deliver the Europe we need?

External Policy: CFSP/ESDP and trade agenda

Background Paper

18 September 2003

The various articles on external affairs are grouped together in the new Constitutional Treaty under Title V and run to 22 pages. Overall, the proposals are an improvement on the existing situation but it is doubtful whether they provide a sufficiently solid base for the Union to meet the growing array of challenges it faces in the global arena. Ultimately, it will depend on the political will of member states as to whether the EU speaks with one voice on international issues.

With its new legal personality the EU can now sign international agreements. Potentially, the most significant development is the proposal that the eurozone countries may establish their own external representation.

There will be a new double-hatted EU foreign minister who will chair meetings of foreign ministers, enjoy a right of initiative, be responsible for implementing EU decisions and will represent the Union to the outside world. It is quite a job description. But all important decisions will still be taken by consensus. With 25 plus member states, the retention of the veto in CFSP could be a recipe for weakness and inaction.

On the defence front, there are complicated provisions for enhanced or structured cooperation. There is a mutual solidarity clause to cover terrorist attacks and a mutual defence clause for some member states. The Petersberg Tasks (peacekeeping, peace enforcement and support for humanitarian operations) are extended to cover joint disarmament operations, military advice and post conflict stabilisation. The Council may ask a group of member states “with the necessary capability and desire” to undertake certain tasks on behalf of the Union. Those member states with high military capabilities are permitted to enter into structured cooperation and accept more binding commitments.

A new armaments agency would monitor the capability commitments of member states, promote harmonisation of procurement, multilateral projects, defence technological research and identify ways to ensure more effective military expenditure.

The European Council is tasked with defining the strategic interests and objectives of the EU and to provide regular threat assessments. Solana has already made a start with his strategy paper. As before, member states are requested to support the CFSP in a spirit of loyalty and mutual solidarity. The Iraq crisis revealed the limits of loyalty and mutual solidarity. Time will tell if the lessons of the Iraq crisis have been learned.

Strangely, Members of the European Parliament did not push for a greater role for the European Parliament in CFSP/ESDP. The EU foreign minister is merely obliged to consult and inform the European Parliament on the main aspects and basic choices of CFSP/ESDP.

The veto remains as regards trade in services involving movement of persons and the commercial aspects of intellectual property, when unanimity is required for the adoption of internal rules. Unanimity still applies to the negotiation and conclusion of agreements in the field of trade in cultural and audiovisual services too.