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Europe Facing the Challenge of War and Peace

On Functions and Structures of the European Union's Foreign and Security Policy (CFSP)

1. Introduction

After the collapse of the Warsaw Pact and after the implosion of the USSR, there is one major actor left in global politics, one superpower: the United States of America. There are some other important actors – Russia and China, France and the United Kingdom, Germany and India, Italy and Turkey, Iran and Israel, and so on. There are European actors. There is, in Donald Rumsfeld's rhetoric, 'Old Europe' and there is 'New Europe'. But there is no actor to speak of called 'Europe'.

There is, sometimes, a 'coalition of the willing' and there is a 'peace camp'. European actors may belong to the first and other European actors to the second. But the European Union is suspiciously absent – like the United Nations. But as the latter does not claim to have a 'common foreign and security policy', the absence of the EU is even more significant.

The UN is an international organization with a peace mission: the UN has been established to secure world peace. The EU is an international organization too, and it also has to fulfil its role in securing peace. But the EU is by definition significantly more than an international organisation among others. The EU is a federation in the making, a work in progress with a supranational character. By failing to have an impact on the question of peace and war in Iraq or in other explosive areas the EU is not only failing like the UN. The EU falls short in its supranational character.

A. REINISCH & U. KRIEBAUM (EDS.), *The Law of International Relations - Liber Amicorum Hanspeter Neuhold*, 183-191.

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One aspect of the EU's failure in living up to its supranational promise of a CFSP is the absence of a coherent party system. It is France, the UK, Belgium and Poland which are acting – and not the European People's Party (EPP) or the Party of European Socialists (PES). This was especially striking in the Iraq case: Tony Blair, leader of a party linked to the PES, and Silvio Berlusconi of Italy's Forza Italia, linked to the EPP, represented – again, in Rumsfeld speak – 'New Europe'. Jacques Chirac (EPP) and Gerhard Schröder (PES) stood for 'Old Europe'. Nations and national governments acted – and not transnational parties. This has been a very bad sign for the status of a trans- or supranational European polity. There was no need whatsoever for the US to deal with Europe – it was enough to play off different national European actors, unable to speak for 'Europe'.¹

Since the Treaty of Maastricht, Europe – the EU – claims to have an instrument designed to permit the Union to act in international conflicts – the CFSP. As there is no European impact whatsoever on the crisis in Iraq and there does not seem to be any kind of European CFSP (beyond the trio of nation states – UK, France, Germany) regarding the crisis vis-à-vis Iran, the CFSP is not fulfilling its task.

The activities of the Council Presidency in both cases – Greece in 2003, Austria in 2006 – did not have any visible effect. And neither did Javier Solana's actions. Solana's remark on the eve of the beginning of the military strikes against Iraq – his reported 'C'est la vie' – symbolizes the EU's inability when confronted with a political agenda defined by – among others – France and the UK, but not by Europe.

It is not the lack of experience, ambition or interest that explains the EU's incapacity to live up to the CFSP's promise and to play a role in important crises. It is the lack of an institutional framework permitting the EU to act and to respond to global challenges. The EU is absent – because the major actors have no interest whatsoever to give the Union the necessary powers which could enable the EU to establish its role in global politics.

The EU is suspiciously absent – because this absence does not hurt enough yet to overcome the traditional priority within European thinking: first, the nation and, perhaps, second, Europe. The European nation states have been allowed to preserve that priority due to a lack of any kind of integrative structure that would enable the shaping of a CFSP beyond general rhetoric.

2. The Lack of Balance

The present crisis of global politics is characterized by the lack of balance. US dominance and US unilateralism exist because they are allowed to exist. There is no countervailing power against the power of the United States.

¹ B. Woodward, *Plan of Attack* 312-315, at 319 *et seq.* (2004).

The American dominance is first and foremost the result of the end of the Cold War. There is no longer another center of power able to counterbalance the United States' power in an unfriendly or friendly way. The US has not always pushed its overwhelming power unilaterally. As shown in the post-Yugoslav crises – especially in Bosnia-Herzegovina 1995, but also in Kosovo in 1999 – the United States has been pulled, even sucked into a power vacuum, and has been invited to take over a role which others were not willing or not able to fulfil. The US has been pushed on an empty chair and has taken over – at the beginning rather hesitantly – the role of peace making. The US has made an end to a series of ethnic cleansing and nationalistic warfare, after it became clear that Europe was not able to do it. In other words, the US was pushed in a chair Europe was not able to fill.²

US unilateralism is a product of Europe's failure. According to Robert Kagan's adaptation of the Gulliver story, the US is Gulliver – a Gulliver who does not meet an equal European counterpart but a cacophony of the dwarfish citizens of Lilliput which have nothing in common but a very general interest to keep Gulliver down. No wonder that Gulliver does not feel any respect for the state of Lilliput; and no wonder that it is easy for the American giant to ignore the completely insufficient efforts of the European dwarfs to control and to tame him. No wonder that there is no balance between Gulliver and Lilliput.³

It would be the CFSP's function to be the counterbalancing force able deal with US power as an equal. As almost all of the EU members are allies of the United States, linked by NATO membership, this kind of balance would be the balance between friends.

The EU is able to balance the US economically. The World Trade Organization is a good example how Europe can act as America's equal. But the EU is America's equal only in economic, not in political or in military matters. Potentially, the EU could be the political and military center of power east of the Atlantic. A center checking the American might in a friendly way and perhaps within the framework of NATO. But the EU is not allowed to develop its political potential – not allowed by its member states. Europe does not permit Europe to become Europe. European nation states bloc the development of a transnational Europe that could act as a – possibly, probably – friendly counterbalance to the US.

The EU is able to act as one actor within the WTO. Some of the EU members are able to act as one actor within the European Monetary Union. The EU is able to act as one actor regarding its Common Agricultural Policy. Why should the EU not be able to act as one actor in the field of foreign and security policy?

² J. S. Nye, *Bound to Lead. The Changing Nature of American Power* (1990); J. S. Nye, *The Paradox of American Power* (2002).

³ R. Kagan, *Of Paradise and Power. America and Europe in the New World Order* (2003).

The EU has a lot of experience in integrating national policies into a supranational framework. The EU is able, in principle, to follow that path with respect to foreign and security policies. But there is one condition missing: the major interests must be clear; the interests still deeply rooted in a national understanding of foreign and security policy must develop new priorities.

3. The Structural Deficiency

As the EU is unable to play its role of balancing power, the reason must be the lack of structures, of an institutional design, necessary for a coherent and consistent CFSP. The CFSP as the second pillar within the EU Council's arrangement reflects one side of the EU's ambivalence. It is the result of the confederal and not of the EU's also existing federal nature. With respect to the so-called 'common' foreign and security policy, the EU does act as an international organization – and not as a federation. And as an international organization, the EU depends completely on its members' ability to reach consensus. Only with consensus – that means unanimity of (at the moment) 25 national governments – the EU is able to act. Without unanimity, the EU is unable to perform any significant role in world politics.⁴

The very idea of a European CFSP does exist – and is principally broadly accepted. What is lacking is agreement on common EU interests to implement that concept in real life. The EU and its members know what to do – they have just not felt the urgency that it should be done. The EU and the member states still do not consider the status quo – the unfulfilled promises of the CFSP – as the greater evil compared with the evil of the present crisis. Only if the EU and its member states reverse that priority, the CFSP could become noteworthy.

The reason of this failure is the predominance of national interests within the EU. The recent development especially before, during and after the military invasion of Iraq in 2003, demonstrated the inability of the nation states – especially of the EU's two permanent members of the UN Security Council – to Europeanize their respective national approaches to such a crisis.

It is of significant importance that the gap between 'old' and 'new' Europe is defined by France and the UK. France and the UK seem to believe that they still can play politics à la Clemenceau or Lloyd George: great powers acting as sovereign states. But today all members of the EU have already abandoned many aspects of their sovereignty by transferring sovereign powers to the Union – to the EU's Single Market, to its Common Agriculture Policy, and (France and 11 other members, but not the UK) to the European Monetary

⁴ M. E. Smith, *Europe's Foreign and Security Policy. The Institutionalization of Cooperation*, at 145-175 (2004); R. Dannreuther (Ed.), *European Union Foreign and Security Policy. Towards a Neighbourhood Strategy* (2004).

Union. But as soon as France and the UK start to act in international politics, they seem to have forgotten that the days of sovereign nation states in Europe are practically over.

The permanent membership in the UN Security Council seems to create an illusionary nostalgia for yesterday's greatness. But Blair is no Churchill – and Chirac no De Gaulle: not because of personal deficits but due to the significant changes in world politics. One, and probably the most important, factor is the American dominance that belittles French and British but also German and Polish national fantasies. The other significant factor of change is European integration – the reality of a transnational arrangement overwhelming the European nation states in almost all affairs but foreign and security policy.

4. The European Peace Function

European integration has been an undisputed success story for the EU's guarantee of peace within its borders. The CFSP stands for the ambitious design to redefine the EU's peace mission: in addition to internal peace the EU should feel responsible for external peace too, for peace beyond its borders.

The first aim for European integration was and still is peace within Europe, within the Union. Before 1991, there was a second goal: stabilizing peace by participating in the balance of power-arrangement between East and West. For good reasons, the European Community was seen as one layer in the complex network of the Western alliance. The EC helped to keep the European balance by siding with the West.

In the 1990s, it became obvious that Europe had lost that balance. As a consequence, European warfare just outside the EU became possible. Because of this situation, the EU got interested in keeping peace beyond its borders. That interest has a specific name: Yugoslavia and the post-Yugoslav wars. But this interest has its history of failures: not the EU, but the US became the major player in the South-East European theater of war and peace. The CFSP, as defined by the Maastricht Treaty, did not provide for a sufficient structure to integrate different national interests. Srebrenica is synonymous with this failure: neither the UN nor the EU was able to prevent the war crimes in what used to be Yugoslavia. Germany acted as Germany, the Netherlands acted as the Netherlands, and Italy acted as Italy – not to speak of the UK and France; and nobody acted as Europe. The ceasefires of 1995 (regarding Bosnia and Herzegovina) and 1999 (regarding Kosovo) were more or less dictated by the US, examples of a *Pax Americana*. Today we observe the same kind of European shortcomings on a much larger scale.

If the EU wants to develop an external peace function, the EU needs to give its CFSP a supra-national structure. The EU cannot act, it cannot do

more but to invite 25 (or 27) sovereign actors to discuss the possibility of cooperation. The consequence of this particular European deficiency is the lack of transatlantic burden sharing.⁵

It is completely understandable that there is no specific French and no particular British interest to transfer responsibility for foreign and security policy from the national to the European level. This would imply majority decision-making in the Council and the possibility for member states to be overruled by a qualified majority and to be forced to accept a foreign policy without agreeing to it. The question is not whether national interests could be developed into interests to form a CFSP. The question is whether there is a transnational European interest in a CFSP – an interest not based on specific issues like Iraq or Iran but based on the redefinition of the EU's peace function beyond the Union's borders.⁶

The EU's – possible – external peace function would make it necessary to transgress an intergovernmental understanding of the CFSP. Intergovernmentalism as the understanding of integration as a work in progress among national governments just does not produce a policy worth to be called a common policy. Intergovernmentalism is the main reason for the CFSP's failures.

5. The US: The New Leviathan?

The crisis created by the Iraq war gives credibility to Robert Kagan's picture of a world according to Hobbes: of an anarchic non-order in which the Leviathan is considered to be the lesser evil. The US is today's Leviathan. And the EU is neither competing for this role nor accepting it nor does the EU prepare itself for an alternative world order – a world according to Kant.

This is an extremely dangerous situation because the US dominates but it does not stabilise. The US is Gulliver with respect to the people of Liliput, to the people of Europe. But the US is also Goliath – a giant vulnerable to the attacks of seemingly minor actors on a sub-conventional level. The US cannot be controlled by the other actors – but the US is unable to dictate a global *Pax Americana*.⁷

This could be the lesson anybody should be hoping for, who is not satisfied with the alternative between chaos and a self-proclaimed Leviathan. The European frustration with the American Leviathan, who behaves like Gulliver but at the same time seems to be as weak as Goliath, could be the starting point for a European CFSP that is more than a promise. The frustration could be the end of the European reluctance to claim its role as a global power. The

⁵ G. Lindstrom, *EU-US burdensharing: who does what?* 82 Chaillot Paper (2005).

⁶ Smith, *supra* note 4, at 209-263.

⁷ Nye (2002), *supra* note 2, at 1-40.

failures of the past can be exactly the drip of water necessary to start the spill over which is – from the neo-functionalist viewpoint – the key to understand the EU's success story.

What does that mean for the development of the CFSP? First, the crisis must hurt: the absence of a European foreign and security policy must be perceived very negatively all over Europe. Only then – as a next step – could the priority of national interests be reversed in favour of the priority of European interests. The insistence on national priorities must be seen as the reason for the negative experience of the past – when Europe was an undecided bystander, unable to act.

Until now, we have to accept the fact that the crisis has not hurt enough – yet. The blockade of the Constitutional Treaty indicates that the crisis has produced a national backlash. The renaissance of national thinking is the opposite response – not more, but less Europe has been the battle cry of the French and Dutch electoral majority in 2005. The CFSP's failures hurt – but not enough to provoke European answers.

World peace is on a slippery slope. Unilateral dominance without stability is the worst possible condition for global peace. It would be much too simple to blame American unilateralism only. The EU also must take the blame – for its inability to create the conditions for a global player named Europe.

The transatlantic imbalance provoked Robert Kagan and justified his following critical assessment:

The dangers of the present transatlantic predicament ... lie neither in American will nor capability, but in the inherent moral tension of the current international situation. ... The problem is that the United States must sometimes play by the rules of a Hobbesian world, even though in doing so it violates Europe's postmodern norms ... it must sometimes act unilaterally, not out of passion for unilateralism but only because, given a weak Europe that has moved beyond power, the United States has no choice but to act unilaterally.⁸

Whatever we think of the philosophical aspects, of the Hobbesian perspective, favoured by the United States and of the Kantian perspective, dominant (in Kagan's and others' view) on the European side of the Atlantic, war is a reality. Military conflicts do happen. And 'right' does not seem to be able to prevail if it is not backed by 'might'.

6. Gulliver or Goliath?

The experience with American unilateralism may have an impact on Europe – it may be a catalyst; it may hurt enough to provoke Europe to rethink its purely intergovernmental approach to the EU's CFSP. Europe could start designing a supranational structure for its Common Foreign and Security Policy. As we

⁸ Kagan, *supra* note 3, at 99.

observe Europe's response to the Iraq crisis, it is clear that we cannot expect the dawn of a transnational CFSP soon. But the experience with an America ignoring Europe may be the beginning of the beginning.

Robert Kagan's perspective is the following:

The obvious answer is that Europe should ... build up its military capabilities, even if only marginally. There is not much ground for hope that this will happen. But, then, who knows? Maybe concern about America's overweening power really will create some energy in Europe.⁹

Kagan's misunderstanding is his emphasis on military capabilities. The European answer is to build up its political capabilities by integrating national policies. Military capability is secondary to political structures. European military power would make sense as a countervailing, peace promoting instrument, but only on one condition: this European power must be directed by Europe, and not by France, the UK, Germany or Poland. The European power will be directed by Europe only if Europe is more than the sum of 25, 27, or more nation states. If this does not happen, Europe and the Europeans should not complain about American unilateralism.

The Iraq experience demonstrates Europe's inability to control the American Gulliver and to counterbalance American hegemony. But the Iraq experience equally demonstrates the American vulnerability: like Goliath, the American might faces an able and dangerous enemy who seems to be small and weak; but uses his smallness and weakness to his own advantage and to America's disadvantage.¹⁰

The American Goliath is challenged by an enemy who is able to turn its weakness into strength: terrorism and guerrilla warfare. It is not Europe who fulfils the role of checking American might. The role of David is played by an actor who is not only America's, but also Europe's enemy. Michael Mandelbaum's analysis of the European reaction to the Iraq war is the following:

That war, and the widespread unhappiness with it even in countries in which the government supported the American effort, illustrated another cardinal feature of twenty-first-century Europe, one that works against wider international roles, either in concert with or in opposition to the United States, for the EU: its pronounced unwillingness, leading to a vanishingly small capacity, to go to war.¹¹

First and foremost, it is not the European unwillingness to go to war that lies at the heart of the matter. It is the European unwillingness to integrate the European capacity and to use that capacity for the establishment of a new

⁹ Kagan, *supra* note 3, at 101.

¹⁰ M. Mandelbaum, *The Case for Goliath. How America Acts as the World's Government in the 21st Century* (2005).

¹¹ Mandelbaum, *supra* note 10, at 209.

balance of power on both sides of the Atlantic. The European unwillingness to go to war would be better served by the European willingness to prepare for peace – by balancing the world's only superpower.

The United States is Gulliver roaming the globe because Lilliput is not united. The United States is Goliath jeopardized by David. But the existing David is not Europe. On the contrary, he is America's and Europe's adversary.