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The Current State of Competence between the EU and Member States in Foreign Policy (Common Foreign and Security Policy, Common Security and Defence Policy, and *broad issues arising from EU external Action*)

General remarks:

The effectiveness of the CFSP/CSDP does not depend on the legal decision making structure of the EU. The key issue in that question is not the distribution of the competence between the EU and the member states either. It is the EU citizens' readiness or rather the lack of readiness to accept the indispensable costs of the CFSP/CSDP that determines the capacities and the shortcomings of the CFSP/CSDP. There is no single European public opinion or the European *demos* able to supply the EU with the democratic basis for a stable CFSP/CSDP and ready to pay its costs. The distribution of power between the EU and the member states has therefore merely secondary importance.

The United Kingdom is one of the four main European powers. She is the nuclear power and the leading conventional military power in Europe. She has the best military forces in the EU and the greatest projection of power capability among all the 27 EU member states. She is the permanent member of the UN Security Council and enjoys special relations with the entire Anglo-Saxon world from the United States and Canada up to New Zealand. Its international position and prestige is backed up with the centuries of tradition of functioning in it as a great power and as a democracy and with English language as the world wide language of communication. Very few if any other EU member states can produce such a list of its national material and moral resources being at its disposal to promote its interests abroad.

1. In what areas of global affairs does the EU add value or deliver impact or not on behalf of the UK?

The factor pointed out above in 'General remarks' is the more important one the more dramatic problem is to be tackled – i.e. CFSP/CSDP is ineffective in dealing with "hot" conflicts like wars or revolutions while CFSP has some effectiveness in *broad issues arising from EU external actions*. The EU is therefore quite a useful tool to implement the rules covered by and established within the scope of the *acquis communautaire* in relations to the foreign powers. For example: the EU is effective while exercising anti-dumping procedures on metallurgical products in trade relations with Russia. (Russian metallurgy is de facto state-sponsored due to the low energy prices in the country determined by the government). It is as well effective in enforcement such rules and regulations as those relating to the level of noise acceptable in the EU situated airports. The European Commission has the power to exclude the over-noisy foreign aircrafts from the service in the EU airspace. The European Commission defence of the EU energy and energy raw materials market against the hostile

operations of Gazprom is another success story so far. All those examples belongs to the realm of the “low politics” (maybe the Gazprom issue is something more due to the strategic dimension of the energy security problem and the company’s role in the Russian foreign policy) where the EU has some additional value while in the field of the “high politics” and especially as far as CSDP is concerned its effectiveness is very limited if any.

2. What are the comparative advantages/disadvantages of working through the EU in the area of CFSP/CSDP, rather than the UK working independently?

There is a set of evident advantages of working through the EU in the area of the *broad issues arising from EU external actions* within the scope of the “low politics”. The examples have been mentioned above in the point (1).

As far as the “high politics” is concerned the most important and effective instrument of the EU foreign policy is (was?) the “European Perspective” given to a country that wish to have one. The EU soft power is (was?) based on that factor. It was the EU membership perspective and the accession negotiations that enabled the EU and its leading powers to influence the developments in Central-Eastern Europe, in the Balkans and in Turkey. The democratisation of Slovakia (in spite of Mečiar times), Croatia (in spite of 1990s war heritage and Tudjman rule), the democratic reforms in Turkey and the linking up of the last to the European project for many years, etc. have been all the results of the skilful enlargement policy. The UK has no such an instrument at her disposal without or outside of the EU.

The “enlargement fatigue” has reduced the EU added value in the enlargement policy dimension in a decisive way last years. Croatia is probable the last success story of such a policy. The revitalisation of that instrument (i.e. the enlargement process) vis a vis Turkey, Ukraine, Moldova and Georgia is therefore one of the political options to be considered. Some latest gestures made by the German Chancellor Angela Merkel and addressed to Turkey have opened a window of opportunity if not to push the project forward on the EU level (which – considering the French position - is rather an optimistic scenario) at least to present the UK as a friendly state to the political elites and the public opinion of the nations in question.

In dealing with security crisis or other likewise “hot” issues demanding quick actions and hard decisions the EU mechanism and procedures are useless or even may constitute an obstacle for an effective action. There is no way to amend the procedures and the decision making process of the EU since there is neither consent of the member states’ citizens for the acceptance of the burdens of an effective CFSP/ESDP nor the commonly shared “European” priorities and even main political goals which was demonstrated in the previous years in relation to Yugoslavia, Iraq, Libya etc.

3. How effective is the EU at combining its foreign, defence, economic and civil protection policy instruments to deliver best effect in foreign policy? What, if anything, should it do differently?

and:

4. How effective are the EU's delivery mechanisms? Would any changes make them more effective, and if so, when ones and why?

The EU foreign policy is generally ineffective. Its ineffectiveness has been even deepened by the Eurozone crisis that has consumed financial resources of the EU preventing them from being spent on CFSP and has rendered the internal EU inter-state negotiations on CFSP more difficult. The time table of the EU institutions has been saturated with the Eurozone problems leaving very limited room if any for foreign policy issues. The European solidarity has been reduced and the “mental renationalisation” of many politics is in the course. All these factors have a negative influence on the CFSP cohesion and the EU capacities in its scope.

The ineffectiveness of the CFSP has been demonstrated clearly many times. If the main goal of the EU foreign policy in the Mediterranean basin was to stabilise the European southern neighbourhood (and it was so) the EU has suffered a spectacular disaster having been surprised with the Arab revolution. If its main goal in the East was to promote democracy and the rule of law – it has failed too. The situation in Ukraine and Georgia deteriorated and no progress has been made in Belarus. Some signs of hope quite vivid few years ago are far weaker but still seen in Moldova now. Still the communists are again in political offensive there and it is difficult to point on the EU as on an important player in the developments in the country. During Moldavian crisis in 2009 no high EU official was ready to break up his Easter holidays to go to Chişinău to assist the democratic forces. The last fact reflects one of the basic shortcomings of the EU administration – nobody is ready for personal sacrifices for the sake of the interests of the Union – for its citizens “the EU is to grant benefits and not to be grantee”. This is the result of the lack of the European *demos* and cannot be changed.

As far as the East is concerned the implementation of the Schengen border regime on the western borders of Ukraine and Belarus cut their citizens off from visa-free trans-border travelling to Poland, Lithuania, Latvia, Slovakia and Hungary thus contributing to the isolation of the ordinary people from what was their “West” and serving especially to the interest of Lukashenka regime. (In the case of Belarus it was accompanied with the EU visa-ban for a merely symbolic number of nomenclatura members responsible for human right violations. Such sanctions were of course politically ineffective. The EU political practice was and still is contradictory to its declaration. Instead of isolating the dictator and not the people EU has isolated the people while the bulk of the regime officials have much more means to cross the EU border than their ordinary compatriots. In the case of Ukraine the Schengen restrictions were implemented on its western borders in the years following the “orange revolution” and in spite on the one-sided Ukrainian decision to abolish visas for the EU citizens. Thus the EU activity created an impression that the democratic Europe is turning away from “the new Ukraine” and contributed to the victory of Yanukovich). The internal security protection (to a large extent a mythical one - since illegal immigrants cross the “green frontiers” and never apply for visas) – i.e. the EU Schengen border regime proved to be contradictory to the official EU foreign policy goals in the region.

Economic and political instruments of the EU foreign policy sometimes supports each other (the EU policy in the candidate countries) and sometimes are used in a contradictory way (Russia or China – human rights promotion versus economic cooperation). There are numerous examples of the embezzlement of the EU means in the corrupted countries (Albania, Palestine, Russia, etc.).

CSDP uselessness was clearly demonstrated in Libya. Neither EUROFOR nor EUROMAFOR have been even considered to be used there. The two main EU military powers (UK and France) acted in the Libyan operation on their NATO and not the EU status while the third one (Germany) distanced from them. This cannot be changed. There is no the European public opinion that could offer a political support for military operations conducted on the EU and not on the national interests base. War is too serious political burden to be conducted by democracies without the support of the citizens. The EU having no real citizens (people that would put the European interests over the national ones) ready for sacrifices on behalf of the Union is not and will not be able to have a real CSDP. The practical military dimension of the EU will be limited to the small scale post conflict stabilisation operations and to the de facto national or allied operations of some Member States for political reasons conducted under the EU flag. The possible area of such operations is first of all Sahel – Sub-Saharan Africa. CSDP may be therefore helpful if the UK interests in the region are at stake still generally one can hardly imagine such a military problem there that could not be solved by the UK forces acting independently and could be solved by the EU forces acting within the politically complicated CSDP framework.

There are no ways to upgrade the effectiveness of the CSDP in any substantial scale. Nevertheless the military dimension of the CSDP has no real importance for the interests of the UK likewise for Poland and other Central and East European countries (CEEC) that could be given only an illusion of protection allegedly delivered by the EU military structures. The political dimension of the CSDP is therefore more important and the main task for both – the UK and the CEEC is to prevent it from becoming a vehicle to weaken the transatlantic ties.

5. Would a different division of EU and Member State competence in a particular area produce more effective policies? If so, how and why?

The Lisbon Treaty has resulted in an important shift of the administrative power within the Presidency mechanism. Officially the prime minister and the minister of foreign affairs of the presided country have been replaced by the President of the European Council (Herman van Rompuy) and the High Representative for the CFSP (Catherine Ashton) respectively in the European Council and in the Council of the EU. The real political result of that decision is however different from what it is spoken to be.

Presidency conducted by the representatives of the Member State had an advantage - a political potential of the Presided country. Such a country was usually determined to push through its national interests. It was the presiding Member State that was the source of the political will to launch a given action, to seek for the allies to promote it and to remind about the initiative when its term of Presidency was over. That gave the political momentum to the EU foreign policy – Barcelona process (Spain), Northern Dimension (Finland and Sweden),

the EU-Russia relations (Germany), the Wider Europe – New Neighbourhood (UK), the Union for the Mediterranean (France) – all those initiatives would not have been born unless the presiding Member States were to determine the Presidency Priorities within the scope of the CFSP prior to the Lisbon Treaty. There was however an obvious disadvantage of that mechanism too – the lack of the stability of the EU foreign policy priorities. The priorities therefore differed from one Presidency to another.

The system has been changed. The result is that we have two officials (Rompuy and Ashton) who are politically weak, who are (not as the individuals still as the officials) back by nobody except for the Brussels bureaucracy and therefore who are not able to create the political momentum for any of the EU foreign policy initiatives. They are not the decision makers but merely the spokespersons of the European Council or the Council of the EU respectively. This cannot be amended. The position of both the officials cannot be strengthened effectively by legal changes. No decree will supply them with a real political base strong enough to work effectively facing real challenges and real burdens of the EU “great power” politics.

The side effect of the change introduced by Lisbon Treaty is that the former relatively strong position of the President of the Commission has been weakened (He is not the single superior official of the EU anymore as he used to be but merely one of the three). Therefore the source of the power has been shift in fact not from the Presiding Member State to the community officials of the EU but from the Presiding Member State to the dominating powers of the EU. It was the Franco-German tandem that was the real governing “core Europe” prior to the present Eurozone crisis. Now the tendency is to change the system into the German dominated one. Germany is a crucial state-donor in the struggle to stabilise the Eurozone and therefore its political position is even stronger than it used to be before. Such a system results in a promotion of the Franco-German and now German dominated vision of the CFSP of the EU. It evolves and is subject to the political visions of the governing coalitions or parties of the countries in question still generally is based on the seeking for the multipolar world (understood as non-American dominated one) and the reluctance to the further EU enlargement to the East. It may therefore have a negative impact on trans-Atlantic relations and on pro-Western and pro-democratic evolution in the countries of the eastern neighbourhood of the EU too. Such a model of the real and not the official mechanism of the CFSP decision making process and decision making centre is therefore contrary both to the interest of the UK and that of the Central European Countries – for example Poland.

There is no political chance to change that system now. The old one cannot be recreated due to its mentioned and widely criticized shortcomings (lack of long term stable priorities). In such a situation the lack of effectiveness of the CFSP in its “high politics” dimension is something we can live with if the alternative is to have an effective CFSP still conducted along the lines contrary to our interests.

6. How might the national interest be served by action being taken in this field at a different level e.g. regional, national, UN, NATO, OECD, G20 – either in addition or as an alternative to action at EU level?

There are very few states if any that perceived the EU as an important player in the foreign policy domain except for its economic dimension. The group of such states existed before (the candidate countries) still it is about to expire. The European Union External Action Service is therefore the structure of a very limited importance. If a foreign state wants to influence the EU position taken within the CFSP domain it usually deals with the main EU Member States and not with the EU officials or institutions. The same can be said on the expected military cooperation – it is decided in state to state contacts and not via the EU diplomatic structures.

The European Union CFSP/CSDP could serve to the national interests basically only in additional level. Military dimension of those interests will be far better served in national or in NATO level. The UK and NATO military activity should be therefore treated as much more attractive alternative than the illusionistic CSDP actions. On the other hand the EU common positions adopted within the framework of the CFSP and especially the *broad issues arising from EU external actions* may prove to have an essential importance in the promotion of the UK national interests in the domain of economy. It has however two dimensions: a positive one (protection of the Single Market, promotion of the EU foreign trade) and a negative one - climate policy promoted by the EU in international arena and combined with internal EU over-regulations deprives the EU economies of their competitiveness and results in the loss of jobs.

Conclusion

The CFSP has generally limited importance for the UK national interests except for economic dimension of the external activity of the Union especially in the domain of the “low politics”. CSDP is important only in a negative way – it should be monitored in order to prevent it from making harm to the transatlantic ties. There is however no need to demonstrate the British irreverence to the EU as a foreign policy actor. Such a demonstration would make no good and would generate some unnecessary political costs for the UK image in Europe. The exploitation of the positive rhetoric related to the CFSP would be therefore a reasonable policy still the responsible analysts and decision makers should distinguish such a rhetoric from reality.