The Faulty Political Support System for the European Union's Foreign Policy

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The European Union (EU) today possesses capabilities and institutions, but is still unable to deliver the foreign policies expected owing to a lack of decision-making procedures capable of overcoming dissent. The EU lacks cohesiveness, the capacity to make assertive collective decisions and stick to them. The gap between what the member-states are expected to agree on and what they are actually able to agree upon is both the cause and effect of the ambiguous nature of EU foreign policies. Attempts at overcoming the weakness of consensus policy-making have only marginally improved the consistency and effectiveness of the Common Foreign and Security Policy. The Consensus-Expectations Gap is today the main reason why the EU in the foreseeable future will remain a partial and inconsistent foreign policy actor.

Key words: European Union, Collective Decision-Making, Common Policy

Why isn't the European Union a greater force in international politics? In 1993, Christopher Hill published a seminal article on what he called Europe's 'capability–expectations gap'. He analysed the international role of the European Community (EC) and identified a gap between what it had been talked up to do, and what it was actually able to deliver. Hill saw the capability–expectations gap as having three primary components, namely, the ability to agree, resource availability, and the instruments at its disposal.[1] The basic argument presented in this essay is relatively straightforward: the EU today has the necessary capabilities and institutions, but it is still unable to deliver the foreign policies expected of it owing to a lack of decision-making procedures capable of overcoming dissent. The Union lacks cohesiveness, the capacity to make assertive collective decisions and stick to them. This "consensus–expectations gap" is at the center of why the EU remains a

partial and inconsistent foreign policy actor.

1. Introduction

In a later reassessment, Hill stressed that the capability–expectations gap had not been intended as a static concept, but as a yardstick by which the process of change in EU foreign policy could be monitored.[2] Seeking in some small way to contribute to this research agenda, this essay will, after outlining some of the basics of the capability–expectations gap argument, examine consensus as a method of policy-making and point out some of the implications for the EU. The final section deals with some of the efforts to overcome the 'consensus–expectations gap'. Consensus is introduced as a conceptual tool used to select and interpret information. Although it would be senseless to claim that all aspects of EU foreign policy-making can be understood through this perspective, it is surprising how many that can be. The consensus–expectations gap takes us beyond the state of affairs where academics and

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politicians alike have alternated between hailing a super power in the making, and lambasting the inherent futility of its foreign policy efforts. This perspective also helps explain the distinct flair of the EU's Common Foreign and Security Policy (CFSP).

2. The Capability–Expectations Gap

Since the EU is built on consensus governance and opposition to great power politics, it is far from obvious that it would be a good idea to pursue collective foreign and security policies. Hill argues that the capability–expectations gap is risky because 'it could lead to debates over false possibilities both within the EU and between the Union and external supplicants'. Also, it would 'be likely to produce a disproportionate degree of disillusion and resentment when hopes were inevitably dashed'.[3] There have been plenty of ill omens trailing the initiative, most notoriously when the EU failed to prevent, and later to stop, the Yugoslav civil wars of the 1990s. European indecision in the face of dissent re-emphasised a point made by Hedley Bull: 'the power or influence exerted by the European Community and other such civilian actors was conditional upon a strategic environment provided by the military power of states, which they did not control'.[4] Bull argued that if the Community was ever to be taken seriously in international affairs, it would need to control credible power tools.

In his article, Hill directs the reader's attention to a gap between what the EC had been talked up to do and what it was able to deliver in terms of foreign policies, thereby sketching 'a more realistic picture of what the Community [...] does in the world'.[5] As mentioned, Hill's capability–expectations gap has three main components, namely, cohesiveness, resources and operational capacity.[6] He argued that if the gap is to be closed, the notion of European foreign policy must be anchored in the practical capacity to act. Ambition must be grounded in demonstrated behaviour rather than in potential and aspirations. To do so the EU requires *credible* capabilities. That is, it is not sufficient to simply amass the tools of power. The actor must also possess the institutions to mobilise them and the decision-making mechanisms to command them. The alternative, of course, is simply to lower expectations. In the fast-moving world of political science the concept of the capability–expectations gap has retained remarkable salience and remains a dominant perspective for monitoring the progress, not only

of European Political Cooperation (EPC), but also for its successors – the CFSP, of which the European Security and Defence Policy (ESDP) is considered a key component.

3. What is Expected from EU Foreign Policies?

By 2007, the capability–expectations gap has narrowed considerably. A strong argument can be made that capabilities and operational capacity are no longer the primary factors constraining the EU as a foreign policy actor.[7] For this limited analysis, the 'expectations' element will be limited to the prospects that the member states themselves have created. When trying to identify the EU's foreign policy goals, the observer will be struck by just how little serious discussion took place among the member states during the 1990s over the direction of their collective foreign and security policies. This was in no small part due to the difficulties in moving from a general agreement that the EU should play a role in world affairs to the specifics of defining policy objectives, the means by which they were to be attained – and what degree of commitment this would require on behalf of the member states. The ambiguities of the 1992 Maastricht Treaty on European Union (TEU) and all subsequent core documents reflect a quest for language sufficiently vague to contain inherently divergent positions, more than any clear vision of what a united Europe might achieve in world affairs.

The Union's lack of a defined *self* – or a legal persona, for that matter – is a predicament, since it impedes self-interested behaviour. The EU defines itself by values that are taken to be universal and at the same time particular to Europe.[8] These values are a blend of proto-liberal and internationalist ideals. They are spelt out in detail in the EU Charter of Fundamental Rights: 'The peoples of Europe, in creating an ever closer union among them, are resolved to sharing a peaceful future based on common values', which are listed as 'human dignity, freedom, equality and solidarity' (defined in 53 subsequent articles). To these are added 'the principles of democracy and the rule of law' which, balanced with individualism and 'free movement of persons, services, goods and capital, and the freedom of establishment', are the building blocks in 'creating an area of freedom, security and justice'.[9] Since the EU makes it clear that these values are held to be universal, they provide a yardstick of equal relevance for both internal and external policies. There have

been attempts to construct something akin to a *raison d'état* out of these values or, more accurately, these values take up much the same space in EU policies that in other actors is occupied by national interests.

Throughout the late 1990s and early 2000s the EU focused on pooling military, economic and diplomatic capabilities and assembling institutional frameworks. Yet the 2003 Iraq crisis made it clear that no similar progress had been made towards translating the 'mother and apple pie' values into a consensus on foreign policy means and ends. The 2003 European Security Strategy (ESS) is one of the main strategic documents giving direction to the CFSP.[10] The ESS makes no bones about the EU's ambition to become a 'global power'. The global aspirations of the Union are underlined by the fact that the term is referred to no fewer than 22 times in the ESS and twice in the opening line of the 2010 Headline Goal.[11] Wolfgang Wessels takes the term to refer 'to a state that is endowed with the traditional attributes of a large power, or even a super power'.[12] The ambition to become a purveyor of international order and, thereby, to establish the EU in the top power league is reflected in the 'threats and challenges' section of the strategy. The strategy takes a broad sweep, singling out not only terrorism but also regional strife, international crime, failed states and the proliferation of weapons of mass destruction as 'main threats'. The key threats section is preceded and followed by an extensive set of 'challenges' spanning issues as diverse as energy dependence and the resolution of the Israel–Palestine conflict.[13]

After having taken on many of the great questions of the day it comes as something of a letdown when the ESS makes it clear that the primary means for tackling these problems will be *preventive engagement* and *effective multilateralism*. The former tends to refer to the issuing of declarations under the twin banners of 'critical dialogue' and 'constructive engagement'. The latter tends to refer to supporting whatever measures have been agreed upon by the United Nations (UN). The ESS does not offer even the roughest guideline as to how economic and military tools might be used to exert influence.[14] Here lies a basic discrepancy between the expectations raised and the actions taken. The EU can be said to be a global power only if this term is instilled with a counter-intuitive meaning. This is not to suggest any ill-will among the member states, only that their belief in their ability to concur exceeds what the Union is practicably able to deliver. The chief reason for this is that the CFSP is governed by the twin precepts of inter-governmentalism and consensus.

4. The Consensus–Expectations Gap

Consensus is the element given least attention in Hill's analysis of the capability–expectations gap. He appears to simply take for granted the incompatibility of collective leadership and effective foreign policy-making.[15] In a political context, the Latin origin of the term is usually taken to mean 'collective leadership'. Consensus decision-making, that is, leadership exercised through general agreement, would seem an attractive idea at first sight. This form of governance not only seeks the agreement of most participants, but also tries to moderate the objections of the minority in order to reach the decision that is most satisfying for all the parties involved. By this virtue, consensus decision-making is more concerned with process than other forms of decision-making. Consensus is usually understood as both, the general agreement as well as the process of arriving at such an accord. Genuine collective leadership shapes not only how decisions are made, but also the actual outcomes. For consensus decision-making to work, a common agreement must be emphasised over differences in a manner that generates substantive decisions.

Consensus decision-making emphasises dialogue to which all participants are invited to provide input. This is often a protracted process, susceptible to disruption. Due to the unfiltered input, consensus policy-making can blur the lines of accountability. Consensus tends to give organisations a *status quo* bias, since the more politicised an issue is, the less likely is the executive to be able to move beyond what has already been agreed upon. These traits run counter to the established hierarchies, effective decision-making procedures and executive powers usually favoured in foreign policy establishments. For that reason executives seldom go further than adopting consensus as the preferred *modus operandi*, but not in terms of formal organisation. Most executives are therefore empowered with mechanisms to overcome deadlock.

5. Quest for an Effective Decision-Making Mechanism

The reason why the CFSP is governed by unanimity can be captured in a single word: *Sovereignty*.[16] While most member states would like to carry the weight of 27 states when pursuing their national positions, they dislike the thought of having their own national interest defined by 27 other

states. The strong 'no deal' bulwark embedded in the CFSP stops policies from being forced upon dissenting states. It is for this reason that foreign and security policies have been singled out in a separate 'pillar' uneasily tacked on to the European Community. In Pillar II, the EU embraced strict consensus, a practice which means that each of the 27 members have an absolute veto over any policy.[17] The separate nature of Pillar II interaction dissuades the sort of issue inter-linkage and horse-trading that would facilitate Pillar I consensus-building.

Several attempts have been made to overcome the lowest common denominator bias of the unanimity rule. The 1992 Treaty on European Union (TEU) allows for limited Qualified Majority Voting (QMV) for certain decisions pertaining to implementation of CFSP decisions, but such use of QMV must be authorised by a unanimous vote. This clearly goes some way towards defeating the purpose.[18] The 2007 EU Reform Treaty (that is, the recycled remnants of the 2003 Constitutional Treaty) retains the unanimity rule.[19] At the same time the treaty states that the Foreign Affairs Council shall primarily make decisions using QMV.[20] In order to understand the implications of this, it might be instructive to look at the attempt to revise voting procedures in the 1997 Amsterdam Treaty. Here the members agreed that QMV could indeed be applied once a 'common strategy' had been agreed by unanimity.[21] Since then, preciously few such 'common strategies' have been agreed.[22] In the foreseeable future any hopes of QMV as a *modus operandi* for the CFSP would therefore seem unlikely.

Introducing 'constructive abstention' was another attempt at breaching the consensus rule. The idea was to introduce a form of abstention that does not block adoption of a given decision: to allow states to simply declare reservations and then stand aside.[23] Even though the abstaining member state in question is not obliged to implement the decision, it must refrain from any action that might conflict with the Union's action based on that decision. While constructive abstention would seem a promising way to facilitate policymaking, it is not applicable to decisions with military and defence implications.[24] In addition, if abstainers make up more than a third of the 'weighted' votes in the Council, the decision will not be adopted. There are several ongoing debates regarding alternative benchmarks of consensus – for example 'unanimity minus one' (or two; or three) to prevent individual dissenters from blocking policies, or 'rough consensus', i.e. no general imperative for how much consensus is 'adequate'. There have also been discussions regarding whether the 'emergency brake' can be replaced by a delaying mechanism that, for example, could allow a government to invoke a twelve-month delay if it felt that its vital national interest was under threat. There are, however, few signs that any of these propositions are about to be adopted.

The consensus mechanism more than anything else gives the CFSP its distinct flair in terms of the quality and quantity of EU foreign policy. Consensus explains the 'voluntary' foreign policy approach, where the EU allows itself to cherry-pick among issues on the international agenda, selecting those issues that favour consensus. There is nothing to oblige EU leaders to take up a subject if it looks as if consensus will be difficult to attain. The resulting inconsistencies give the EU foreign policy agenda its distinctly haphazard appearance. The EU will address an urgent humanitarian crisis with bland declarations 'calling for', 'urging', and 'inviting' action while committing armed forces to situations where the need for coercion is limited. In terms of implementation the trend is that the lower the level of commitment, the higher the likelihood of achieving consensus. EU foreign policies are generally defined less by an assessment of the means that are most likely to deliver the desired result, and more by what tools can be agreed upon.

Although decision-making by consensus is slow to adopt coercive policies, the EU states have generated a cumulative body of common foreign and security policies. For all its shortcomings, the CFSP has brought about a sea-change in the practice and ambience of foreign policy-making. This is due not least to the fact that the *modus operandi* of voluntary security, combined with the ineffective decision-making mechanism has proven fertile ground for bureaucratic politics, where the HR-CFSP, and Council and Commission staff play crucial roles in formulating EU foreign and security policies. In an interview, a Council Official stated: 'we are charged with identifying the issue areas where there is an overlap in terms of means and ends among the member states'. She continued: 'It is our job to play the role of the honest broker'. Through a blend of incrementalism and pragmatism, the High Representative's staff has played an important, if not widely acknowledged, role in setting the EU security agenda. This is the primary reason why EU foreign policies do not represent the lowest common denominator, but rather a median of the range of national views.[25]

Frustrated by the lack of progress, Joschka Fischer introduced the idea that an *avant-garde* group

of willing and able states should press on with foreign policy integration. Such closer cooperation would allow a group of like-minded states to work together towards common objectives. The question is whether this could be achieved within the Union's existing frameworks. While there has been some movement towards facilitating sub-sets of EU states, for example through the Battle Group concept, there is still no agreement on whether this should apply to policy-making. The 2007 EU Reform Treaty retains proposals for 'permanent structured cooperation'. The arrangements for common foreign and security policy, including those for permanent structured cooperation in defence, remain substantively unaltered from the constitutional treaty.[26] Recognising that some member states are more powerful than others, the proposal suggested that member states who possess the military capabilities and commitment be allowed to carry out missions in the name of the EU. But, although there has always been a degree of variable geometry within the EU, it is unlikely that any of the great powers would allow themselves to be shut out of a weightier EU.

It is important to emphasise, as Simon Nuttall does, that 'the system does not operate under a perpetual threat of veto'.[27] The consensus rule owes its impact not to frequent use, but rather to the possibility that it represents. CFSP issues are rarely voted upon. The prejudice against actual voting in CFSP affairs has the obvious benefit of avoiding drawing attention to fissures. On the other hand, the low yield-making mechanism has encouraged the forming of informal directorates, notably the EU-3 (comprising Germany, France and Britain) which has become increasingly central in the EU foreign policy-making process. The former EU Commissioner for External Relations, Chris Patten, put this in plain terms: 'I mean no disrespect to other states but there is no European policy on a big issue unless France, Germany and Britain are on side.'[28] In reality a single member state or even a coalition of smaller member states would find it very difficult to hold out if the EU-3 were in agreement. The argument can be made that the consensus–expectations gap is primarily between Berlin, Paris and London. Should the three choose to act in concert they could play a determining role in the European Union's Foreign Policy.

6. Where to Now?

In 2000, Simon Nuttall concluded that the policy benefits from the various attempts at modifying the consensus rule had been 'marginal'.[29] Since then, the list of attempts at common policies that have been blocked, neutered or derailed by minorities has grown longer. The consensus–expectations gap is apparent in the EU approach to virtually all the major foreign policy questions of the day, from the humanitarian crisis in Sudan's Darfur region to the building of democracy in Iraq and Afghanistan, to curbing Iran's nuclear aspirations, Turkish accession and the handling of Russia. The question remains: How tangible a force should the EU be? Should EU foreign policies be based on the strength of arms or the invisible hand of inter-dependence? In the latter case, the promise of EU membership will continue to be the most potent policy tool, complemented by limited pre- and post-crisis management operations.

As noted initially, Chris Hill warned of the inherent dangers of the capability–expectations gap because this could lead to debates over false possibilities, and also be likely to produce resentment when hopes were inevitably dashed. Is this not a fair description of the EU and the 2003 Iraq crisis? The point was not whether or not the Iraq question was within the scope of the CFSP, but rather that the peoples of Europe had *expected* the EU to do – or say – *something*. Instead of siding with the peoples against the nation states, the EU mandarins studiously avoided the question, keeping their heads down, busy with the Constitutional Treaty. As a result widespread disenchantment with American policies failed to translate into support for the EU – or indeed, the Constitutional Treaty. Over the Iraq question the EU missed what was likely a one-off opportunity to add substance to the Union.

The Union has come some way towards becoming a regional pacifier (keeping the peace in the Balkans) and a bridge between the rich and the poor (as illustrated in the recent World Trade Organisation negotiations); and a joint supervisor of the world economy (the euro is now the world's second most important currency). If expectations were to be brought into sync with reality, that is, if the 'global power' aspiration were done away with, then the EU would still have a foreign policy dimension to speak of. The question is whether this is a viable option – or is the consensus–expectations gap already too wide? It is fair to assume that given its high visibility the CFSP will be closely linked to the overall popular support for European integration. Even with a scaled-down level of ambition the EU will continue to operate in a strategic environment provided by the military power of states, which it does not control. The consensus–expectations gap is set to continue to prevent the EU from engaging in effec-

tive crisis management, leaving the Europeans to pick up the pieces after any conflict has burnt itself out. The gap between what the member states are expected to agree upon and what they are actually able to achieve remains both the cause and effect of the inconsistency and partiality of EU foreign and security policies. ◾

NOTES

1 Hill, C. (1993) "The Capability–Expectations Gap or Conceptualising Europe's International Role", Journal of Common Market Studies 31(3): 315.

2 Hill, C. (1998) "Closing the Capability–Expectations Gap" in J. Peterson and H. Sjursen Eds. A Common Foreign Policy for Europe, London, Routledge: 18-38.

3 Hill (1998): 23.

4 Bull, H. (1982) "Civilian Power Europe: A Contradiction in Terms?", Journal of Common Market Studies 21(1): 151.

5 Ibid. 306.

6 Ibid. 315.

7 See: Chacho, T. (2003) "Implementing the Headline Goals: The Military Aspect" in J. Krause, A. Wenger and L. Watanabe Eds. Unravelling the European Security and Defence Conundrum, Zürich, ETH.

8 See: Laeken Declaration on the Future of the Union, European Council, 14–15 December 2001.

9 The Charter of Fundamental Rights of the Union (2004) "Treaty establishing a Constitution for Europe", Official Journal of the European nion, C 310, Vol. 47, 16 December.

10 Solana, J. (2003) "A Secure Europe in a Better World – European Security Strategy". The ESS was presented at the European Council meeting in Brussels on 12 December 2003 (15895/03, PESC787).

11 'The European Union is a global actor, ready to share in the responsibility for global security.' 2010 Headline Goal decided by the Council on 17 May 2004 and endorsed by the European Council of 17–18 June 2004.

12 Wessels, W. (2002) "The EU as a Global Actor: Concepts and Realities" in Leech, J. Ed. Whole and Free: Nato, EU Enlargement and Transatlantic Relations, London, The Federal Trust: 143.

13 ESS (2003): 5, 10.

14 The only direct reference to the actual use of armed force is 'In failed states military instruments may be needed to restore order', Ibid. ESS: 9.

15 Hill (1993): 319; Hill (1998): 23.

16 See: Keohane, R. (2002) "Ironies of sovereignty: The European Union and the United States", Journal of Common Market Studies 40(4): 743-765.

17 Treaty of Amsterdam Chapter V (Article 5a TEC).

18 See: Meunier, S. (2000) "What Single Voice? European Institutions and EU–U.S. Trade Negotiations", International Organization 54(1): 103-135.

19 See: European Council (2007) "Draft Reform Treaty", IGC (23 July 2007).

20 See: European Council (2004) "Treaty establishing a Constitution for Europe", Art I-23.3. The Foreign Affairs Council is to determine EU foreign policy under the strategic guidelines given by the European Council (Art 1-24-3) and is to be presided over by the new 'Union minister for foreign affairs' (Art III-296).

21 European Council (1997) Treaty of Amsterdam, SN 150/97, Amsterdam European Council: Art. J-13.

22 The 2003 European Security Strategy is, for example, not such a 'common strategy'.

23 This option was introduced by the Treaty of Amsterdam in the new Art. 23 of TEU.

24 Art. 23 consol., TEU.

25 Nuttall, S. (2000). European Foreign Policy. Oxford, Oxford University Press: 272.

26 See. Presidency Conclusions, Doc. 11177/07, Council of the European Union, Brussels, 23 June 2007, Annex I, pt. 15.

27 Nuttall (2000): 187-188.

28 Patten, C. (2005) Not Quite the Diplomat: Home Truths about World Affairs, London, Allen Lane: 159-160.

29 Nuttall (2000): 187-188.