CFSP – VACILLATING BETWEEN SUPRANATIONALISM AND INTERGOVERNMENTALISM?

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Abstract: *The Common Foreign and Security Policy (CFSP) of the European Union (EU) faces an identity crisis to which the member states do not seem eager to put an end. Making incremental changes without defining the objectives will not rise the trust in the EU as a strong international actor. Thus, this paper aims to indicate the supranational and intergovernmental characteristics of the CFSP in order to highlight that the neofonctionalist model of governance has also shaped a policy area believed to belong exclusively to the member states' power. The paper analyses the supranational and intergovernmental dimensions of the CFSP in order to provide a better understanding of how this policy is constructed.*

INTRODUCTION

The European Union (EU) is currently confronted with a general state of disappointment and scepticism about the state of its internal affairs. Through its model of external governance, the EU is also exporting its domestic concerns and lack of clear orientation outside its border. Thus, the current economic downturn has yielded a negative impact on the coherence of its foreign and security policy.

Europe's struggle to achieve a common army and a shared defence body is not recent. On the 11th of August 1950, Winston Churchill, within the fifth session of the Consultative Assembly of the Council of Europe, proposed the creation of a United European Army located under European democratic control and whose actions should have been undertaken together with the USA and Canada (Centrul de Resurse Juridice, 2004, p. 9). The then president of the Council, the French prime-minister René Pléven, launched on the 24th of October 1950 within the National Assembly of France – the plan for the creation of a European Defence Community. This plan envisaged the creation of a European army, whose military

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staff would be pooled from the European Coal and Steel Community's member states. It would have been, moreover, led by a European minister of defence and would have had a common budget under the supervision of the European Parliaments Assembly (Centrul de Resurse Juridice, 2004, p. 9). On the 25th of May 1952 the agreement was signed in Paris by the European Coal and Steel Community member states, together with the constitution treaties of the European Defence Community and the protocols of cooperation between this new body and NATO. Until 1954, the European Defence Community (EDC) treaty has been ratified by five member states; however, the rejection of the whole project by the French National Assembly, without even debating the content of the treaty, put an end to the European Defence Community (Centrul de Resurse Juridice, 2004, pp. 9-10).

Despite the failure of the EDC, there has been constant interest in restarting the political construction and integration in the defence area, particularly during de Gaulle's tenure. Between 1961 and 1962 three proposals by Charles Fouchet (the "Fouchet Plan") were prepared (Naghi, 2010, p. 12). This plan sought to enhance interstate cooperation that would lead to a unique external policy of the member states, to the strengthening of common security policy mechanisms and to a closer coordination of defence policies (Naghi, 2010, p. 12). Whereas Germany was the only state to accept the French plan, the other European Community member states blocked the initiative arguing against excessive collaboration between states on the security and defence levels. The main risk would have been the fracture of relations with the US or NATO (Naghi, 2010, p. 12). Hence, on the other hand, it is obvious that since the inception of the European Community project's member states have put considerable emphasis on the idea of sovereignty. On the other hand, another specific feature of the European states which can be distinguished is the security and defence dependence on US/ NATO, which is present even today.

Even though there have been other initiatives to create a common external and security policy, and especially to develop an effective defence mechanism, the Maastricht moment is of particular relevance. Moreover, the end of the Cold War, the disintegration of the Soviet Union, the Balkan crisis and the emergence of a new international order meant that the European states needed to (re)act. Hence, the discussion over this security and defence future of the EU could not have been again postponed. After the dissolution of the Soviet Union, the ex-communist countries aspired towards a partnership with both NATO and the European Community, which represented for the latter the chance to affirm itself as an

important actor in the international security area (Ivan, 2007, p. 98). By establishing the second pillar – The Common Foreign and Security Policy (CFSP) - through the Treaty of Maastricht, the EU has acquired a common policy extended to all the sectors of the security and external policy, building the basis for an enhanced cooperation framework between member states (Naghi, 2010, p. 23). The main objective of the CFSP was to boost the role of the EU at the international level, especially by progressively defining a common defence policy which could ultimately lead to a real common European defence mechanism (Ivan, 2007, p. 100).

THEORETICAL BACKGROUND

It is commonly agreed that the EU is a new and unique form of international organization. After the Second World War, the contacts between governments, private groups and individuals have been institutionalised more than ever before (Hass, 2006, p. 105), creating a supranational system. This system has been proved successful especially concerning the economic integration, creating also a sense of European identity. This attitude underlined by Hass in 1958 can also be observed today. According to Hass' standpoint political integration is "the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new center, whose institutions possess or demand jurisdiction over the pre-existing national states. The end of a process of political integration is a new political community, superimposed over the pre-existing ones" (Hass, 2006, p. 114). Initially, this supranational model has been fundamental for consolidating the European Community. However, by late '70s the governments have started to play a much more assertive role (Hoffman, 2006, p. 145). In his 1966 paper Hoffmann argues (2006, p. 135) that the "political unification could have succeeded if, on the one hand, these nations have not been caught in the whirlpool of different concerns (…) and if, on the other hand, they had been able or obliged to concentrate on community-building to the exclusion of all problems situated either outside their area or within each one of them." These two perspectives have been mutually reinforcing over the time, Hoffmann upholding in his paper de Gaulle's view who "has consistently warned that the application of the supranational method to the area of high policies would lead not to a strong European entity, but to a dilution of national responsibility whose only beneficiary would be the US" (Hoffman, 2006, p. 147).

As far as the foreign and security policy is concerned it is difficult to frame the policy only within a single tenet (either the intergovernmental criteria or the supranational one). Apart from these two *grand theories of the EU integration process,* a process of socialization and organizational adaptation could be added, together with a fusion of international opinions, in which national political decedents modify decisional processes to make them more alike to a common policy (Jørgensen, 1997, apud Kjaer, 2010, p.116), particularly in the current globalization era. Hence, whereas the EU uses the supranational/neofunctionalist model that through its spill-over effect contributes to both *bottom-up* and *top-down* changes in the *low-policies*/bureaucratic domain (i.e. commercial policy), in the field of *high-policies* (i.e. security and external ones), the role of nation-state is still of utmost importance (Hoffmann, 2006, p. 137). Thus, the intergovernmental dimension, where member states possess the power and are able to make major decisions remains the main realm for conducting the *high politics* and particularly the CFSP. The QMV is only used when a decision that defines the action or position of the Union according to a previous decision made by the European Council is adopted, when a decision involves the action or position of the Union undertaken at the proposal of the High Representative after a formal request to the European Council, when the decision of naming a special representative is considered (Naghi, 2010, p. 34). Furthermore, the decision-making process within the CFSP is of special nature because all the decisions adopted are not subjected, with very few notable exceptions, to the European Court of Justice (Naghi, 2010, p. 35). Because of its intergovernmental construction, previous experiences show that EU lacks a spirit of unity, coherence and efficiency. Unity does not exist because the member states often agree to intervene through agreements between two or three states, often in the basis of the shared interests. Moreover, the military budget of the EU is raised only by those member states that agree to involve themselves in a certain conflict/pace-building area. The lack of strategic coherence weakens not only the CFSP framework, but also the international actorness of the EU.

2. CFSP – VACILLATING BETWEEN SUPRANATIONALISM AND INTERGOVERNAMENTALISM?

The CFSP nature is intergovernmental by its own definition but there can also be underlined some supranational aspects. First of all, the world today is characterized by multilateralism, where cooperation

and interaction are mandatory. Thus member states cannot anymore perceive the EU just as a way of fulfilling their own interests. Equally, threats have recently changed, where energy security, cybernetic attacks, terrorism, have replaced the classic warfare methods. There is onwards a persistent need to establish close cooperation between states and international organizations in order to avoid international risks. Even security has added other dimensions, apart from the military one; it has a broader understanding which includes economic, social, cultural and environmental matters (Naumescu, 2005, pp. 30-33). Whereas the former dimension – the military and defence one – is a sensitive area where member states are not (yet) ready to cede sovereignty, in other security aspects which pertain to the latter dimensions (economic, cultural, environmental), the EU has made important steps forward. Through effective, supranational means and instruments in order to disseminate European values and principles, to grant human aid, to help democratic consolidation, to defend human rights, to promote international cooperation, all by providing legal and administrative consultation, financial aid, and cross-border projects, the EU has managed to be an active player in the international milieu.

CFSP is intergovernmental because the most important institutional actors involved in the policy are the European Council and the Council of the European Union in which the heads of state act based on unanimity and decision-making process is controlled largely, but not exclusively, by the member states. However, these two institutions – despite their overwhelming implications in the CFSP sphere – are not the sole players engaged. The European Parliament (EP) is not totally absent from the process, this institution having an impact on CFSP. Before the adoption of the Treaty of Lisbon, the Council of Ministers used to consult the EP on CFSP matters by organising regular meetings in order to maintain the MEPs informed, these practices being carried out even today, including the participations also of the High Representative and the president of the Council (Mix, 2011, p. 21). The EP can also influence the member states by acting as a forum for debate and launching initiatives. Moreover, the EP has a committee of external affairs that monitors the external policy of the EU within two subcommittees (human rights, security and defence). The EP could also establish special committees meant to analyse concrete matters for a limited period of time and it has 41 delegations that maintain contacts and relations *parliament to parliament* with the representatives of many states and regions around the world (Mix, 2011, p. 21). Having an essential role in the drafting of the budget, the EP has strong impact on the structure, the budget and the staff of the European External Action Service (EEAS). The EP has also the

right to examine the non-military parts of the CFSP budget, to delegate EU ambassadors. By being granted the role of co-legislator, together with the Council of Ministers, the EP's involvement in the external agreements has significantly risen (Mix, 2011, p. 23).

Another supranational response to the intergovernmental dimension of the EU external affairs has been the creation of the position of High Representative on External Affairs of the European Union, who is also the acting vice-president of the European Commission. This position of High Representative cumulates the responsibilities of three former functions: the High Representative of CFSP, the minister of external affairs of the rotating presidency of the EU and the commissioner of external relations (Mix, 2011, p. 3).

An additional response has been the development of a diplomatic body, the EEAS, meant to support the High Representative in coordinating and implementing policies. Its institutional structure, the role of coordinating foreign activities and initiatives is perceived as a way of facilitating the decision-making process (Mix, 2011, p. 3).

CONCLUSIONS

Despite these supranational institutional innovations, the strong institutional intergovernmental dimension of the CFSP will not be cast into doubt at least for the near future. The EU is still not in the position to overlook the standpoint of the member states in foreign and security issues. The recent interference of supranational elements in the intergovernmental nature of the CFSP process could only be perceived as an answer to those member states who believe in an ever closer EU.

At least for the time being the Union does not seem to accept greater institutional alteration. However, a coherent approach towards external challenges may not be possible without a deepening of its supranational character.

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