



Brussels' new telephone number? – How a European Security Council could strengthen EU foreign policy

Olaf Wientzek und Christian E. Rieck

- › A representative and efficient European Security Council (ESC) could be a place for European strategy building. It could improve the coherence of the EU's foreign and security policy. The ESC would serve the purpose of sovereignty-friendly coordination.
- › A competition between EU institutions must be avoided. The ESC should act in close cooperation with the High Representative. „Lead nations“ could represent the ESC on specific issues or in specific conflicts.
- › For the composition of the ESC, both geographical and functional eligibility criteria should be taken into account. One possible solution would be a rotation of member states according to their importance for EU foreign and security policy.
- › Decisions should in principle be taken by unanimity. Member states should however have the right to adopt a different position if their core interests are at stake.

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In June 2018, the Federal Chancellor Merkel proposed a European Security Council to strengthen the EU's foreign and security policy. What might the design, mandate and functioning of this instrument look like? Such a Security Council would be of great value for the coordination and coherence of EU foreign policy, yet it must take account of legitimate interests at both European and member state level. Legal issues – for example, whether it is necessary to change the treaties – do not form the subject of this paper. Instead, the following statements should be regarded as an impetus for debating the potential of such an instrument.

1. Why is a European Security Council necessary?

In principle, there is no lack of institutions, committees and bodies within the EU and this also applies to foreign and security policy: following ratification of the Lisbon Treaty, the European External Action Service was quickly established. With the High Representative for Foreign and Security Policy, who is also Vice President of the European Commission, the EU already has a strong voice in the international political arena. Nevertheless, the EU – in spite of tangible progress over the past few years – still suffers from a lack of capacity to act in foreign and security policy:

1. All too often, there is a lack (as in the Syrian conflict) of joint strategy in conflicts as well as towards important actors in international politics, not least China.
2. The absence of a common strategy is also reflected in international forums and organisations in many cases, as well as in the United Nations.
3. Even if a fundamental agreement is achieved on certain issues, the EU sometimes has difficulties exercising its full influence; this is in part because it does not succeed in quickly agreeing upon a joint robust position.

There are multiple reasons why the EU continues to fall well below its foreign policy potential to some extent. One cause are the ongoing **differences in the member states' strategic, political and military cultures**. These differences are rooted in history, and form the core of their (often non-partisan) stance in foreign, development and security policy. Therefore, despite intensive coordination they are often very difficult to change.

Another cause is the law on **unanimous voting in foreign policy**: indeed, individual voices have repeatedly advocated majority voting in this policy area, but this is generally a taboo subject for member states. Yet, the blockade mentality of individual member states in various foreign policy dossiers speaks strongly in favour of a reform. Similar to migration policy, however, majority voting against the explicit will of several member states could result in considerable upheaval within the EU.

In spite of progress, the EU suffers from a lack of capacity to act in foreign and security policy

In this context, a European Security Council (ESC), comprising a small but representative group of member states (according to the principle of rotation), would be an **effective compromise** that on the one hand would finally enable faster response times in EU foreign policy for all actors involved. Here the member states' participation is decisive in order to make the EU more binding as a whole. On the other hand, an ESC would not yet imply a transition to qualified majority voting in a policy area that is sensitive for the member states.

A European Security Council (ESC) could enable faster reaction times in EU foreign policy.

The High Representative and the European External Action Service are faced with opposition, especially in some of the larger member states, where they continue to struggle for recognition of their role and function. What is more: depending on the personality, not all member states regard the High Representative as an **honest broker** in every conflict; that applies to the current incumbent Federica Mogherini towards Russia. In turn, some member states enjoy high authority in specific formats – such as France and Germany in the Normandy format for handling the crisis in the Ukraine, where they act as the de facto EU representative.

2. What role could a European Security Council play?

In the first instance, the ESC would function as a platform for security policy debates within the EU. That would not be an academic forum, but rather a political reflection and decision-making mechanism that would consistently have to finely tune a specific European definition of the security concept in a particular case. In principle, the ESC should therefore deal with all questions pertaining to the strategic direction of the European foreign and security policy. Details regarding the execution of strategic decisions should continue to be taken by the existing institutions and committees as well as the Political and Security Committee (PSC) or the European External Action Service. This would enable the ESC – in the run-up to important negotiations – to help the EU Member States find a common stance in the OSCE. This would also apply to the stance of EU Member States in the Council of Europe.

Hence, the ESC would be a **place of European strategy building**. This would inevitably involve a necessary debate about the effectiveness of the foreign, development and security policy apparatus. This coordination service alone would be of great benefit. On the one hand, the ESC would also play an important role in improving the coherence of the European Union's foreign and security policy as well as that between the EU Member States, on the other.

What specific action could a European Security Council take?

Firstly, the ESC should provide a forum for coordinating the EU's position in the United Nations in general and in the UN Security Council in particular. If there is an Europeanisation of the EU countries' temporary Security Council seats to become a **European Security Council seat**, these member states need to be committed to the position adopted in the ESC. The ESC could also gain in importance by productively integrating France as a permanent member of the Security Council. The Europeanisation of the permanent seat in the UN Security Council should continue to be the long-term objective.

The ESC could bindingly represent the European Commission or the respective EU Member States in contact groups or in **international conflict resolution formats**. Even today, European positions are intensively coordinated in such formats. Following meetings of the Normandy format, for example, representatives of the EU (France and Germany) inform the other member states about the status of negotiations, such as during meetings with the

European Council. The picture is similar for the format „P5+1“ in curbing the Iran nuclear programme. The ESC would formalise the role of the participating EU Member States as representatives of the EU as a whole, thereby increasing their political clout. Here the benefit of an ESC would be that this type of voting could become a permanent as opposed to an ad hoc feature. Due to the permanence of the ESC and its structures, such a voting process would go in hand in hand with developing the long-term expertise of all actors involved.

If the ESC would result in duplicating the foreign and security policy structures in the EU, it would fall short of its goal of enabling coordination and coherence in EU foreign policy. Therefore, its work should focus on coordinating rather than competing with the High Representative. Hence, representatives of the Security Council could also function as mediators in crises or as EU envoys in crisis prevention formats **on behalf of the High Representative**, for instance. The foreign ministers of countries in the ESC could fill these roles, then in the function of EU envoys, who can act with more legitimacy and power resources than if they were merely representatives of an EU Member state – no matter how much importance that country may attach to a particular conflict. Since envoys would act as a representative of the High Representative, executing what was decided in the ESC and its representation would remain within the remit of the High Representative or the appropriate committees.

The ESC should act in concert with the High Representative.

Individual prominent EU Member States could also represent the European Security Council as **lead nations** on certain issues or in particular areas of conflict in which these states have a great deal of experience. Specific examples here could be the Spanish lead in knowledge as regards security partnerships in Latin America (mainly Central America, institutional contacts with the regional organisations such as OAS) or the Italian expertise in the area of stabilisation and reconstruction. That, too, served to pool the foreign and security policy expertise in a meaningful way rather than duplicate it.

Based on the **European Union Global Strategy (EUGS)**, the European Security Council ought to formulate positions towards the EU's strategic partners on specific issues. It is particularly important to take the most united and consistent approach towards these **decision-making powers** at both the European and member state level, if the EU wants to gain them as an effective partner in regional conflict prevention and post-conflict rehabilitation as well as stakeholders for the global order. For instance, it is not possible to achieve sustainable improvements in Afghanistan without the involvement of India and Pakistan. Brazil has close ties with Columbia and can be a valuable partner in the process of reconciliation taking place there.

The ESC could formulate positions towards strategic partners

Notwithstanding, member states still have the option of positioning themselves differently to the Security Council in all decisions. The ESC would serve the purpose of **sovereignty-friendly coordination**, as opposed to the controversial application of the community method in the EU's foreign and security policy. Conduct diverging from the ESC in this way would be more clearly visible to the international public than it is today, however. The current situation looks quite different. At present, the European project in foreign and security policy is perceived as a cacophony: namely, when member states represent conflicting positions – if they do not behave neutrally or do not position themselves at all.

This doubles the hopes placed on the ESC: firstly, the ESC would promote the formulation of clear and unambiguous policies within the EU framework. Secondly, increased visibility and efforts to explain would incite dissenters to merely distance themselves from the vote of the ESC for sensitive decisions that are of central importance to them.

Areas that are already decided by community method in any case as well as issues, for which other reliable forums already exist, should **not fall under the remit of the ESC**. Furthermore, the ESC should not negotiate on issues that are of strategic, in other words fundamental, importance for the future of the European Union as a whole. Decisions such as those about future EU enlargements would still have to be decided by all heads of state and government. CSDP missions are also to continue to be mandated by the Council and cooperation with NATO missions decided upon by all member states. Efforts should be made to prevent the duplication of structures and mandates in the ESC, and its creeping mandate extension by continually dealing with new issues needs to be contained.

3. How would the Security Council be composed?

The ESC would need to be representative and effective at the same time. That points towards a small, permanent committee, which can quickly make decisions and react to modified framework conditions. However, if the decision-making group were too small, EU Member States not represented in the Security Council would experience a curtailment of their (potential) co-determination rights. Their ownership would be weakened by an excessively slow rotation if a member state were only represented in the ESC once every ten years. This would also undermine the legitimacy of decisions taken by the ESC.

The ESC would have to be a small, permanent committee

This field of tension between effectiveness and representativeness could be resolved with a series of geographical and functional eligibility criteria for joining the Security Council. A geographic balance seems sensible, which – in its weakened form – at the same time takes account of the importance of the respective member states in and for EU foreign policy.

Based on its function, the ESC should invariably be composed of the following representatives:

- ▶ The **High Representative** should act as a *primus inter pares* due to their prominent position. This would enable the Commission's agenda to be reflected in debates held by the Security Council. The presence of the High Representative would also increase the influence of the ESC in the Commission.
- ▶ Each of the three EU Member States that make up the Troika of the **Council Presidency** should also be members of the ESC at all times. Hence, in addition to the Commission, the Council would also be represented in the Security Council. The council presidency could work as a pivotal interface between other EU Member States not represented in the ESC – and would be obliged to strongly defend decisions by the ESC in relation to them.
- ▶ Each EU Member State occupying a **non-permanent seat in the UN Security Council** should also be a member of the ESC during this time: especially since they would hold the “European seat” in the Security Council. This is intended to reduce the polyphony in the most important United Nations’ foreign and security policy decision-making committee, and to enable another European perspective from this committee to bear fruit for European decision-making.

Each EU Member State occupying a non-permanent seat in the UN Security Council, should be a member of the ESC during this time.

For reasons of political and geographical balance, seats could be reserved for the following groups whose holders would rotate every 18 months:

- ▶ The guaranteed presence of a **non-NATO member state** in the Security Council would counteract the perception both abroad and in Europe, that the ESC is merely an extension of the Atlantic alliance. In this way, the interests and perspectives of the neutrals could be integrated into the security policy debate in a targeted way, while also thwarting the reduction of security policy to military means.
- ▶ One of the countries from the eleven post-communist states in **Central and Southeast Europe** should equally always be a member in the ESC. This privileged treatment would be appropriate both due to its exposed geographical position, and as an instrument to prevent the division of Europe into old and new members. Such a seat would also help to combine the perspectives of global intervention forces with those of classical national defence.
- ▶ One of the three **most densely populated EU Member States** should also be represented: Germany, France and Italy. This would ensure a certain equivalence with their weight in parliament and the Commission, given that these states are the most important actors in European security policy following Brexit.

Other criteria (of a geographic, demographic or financial nature) than those mentioned above are also conceivable.

There is also a possibility of seats (without votes) for **observer states** – for example states involved in the European integration systems without being a full member (EEA, Schengen), or for partner states linked to the EU via association (candidate countries, ENP). That could help to gain new partners for EU foreign policy and increase both the transparency and legitimacy of decisions taken by the Security Council.

Finally, depending on the nature of the current threat, those states particularly **affected** by it could also be integrated into the work of the ESC, by means of regular consultations for instance. That would enable those affected to directly contribute their perspectives and inject more urgency into the actions of the ESC. Given that affected states would be central partners in implementing decisions of the ESC, integrating them into the Security Council also seems to make sense on a practical level.

The ESC should hold a meeting in two different configurations: the heads of state and government of the countries represented in the ESC could meet during the European Council Summit (similar to the Eurozone summits); the foreign ministers of these countries should gather on the occasion of the EU Foreign Affairs Council Meeting. The High Representative would participate in both formats.

4. How would decisions in the Security Council be taken?

Decisions in the ESC should be taken unanimously in order to demonstrate cohesion at the international level. Nevertheless, member states should have the option of distancing themselves from the ESC's position if they believe that such a decision infringes against their vital interests. However, it would be clear that this is a deviating **dissenting vote** from individual EU Member States, whereas a position held by the other member states – unlike previously – would not be fundamentally prevented. Hence, their veto power would be weakened and a member state that invariably relies on a blockade would more quickly and more visibly isolate themselves at the international level.

Decisions in the ESC
should be taken
unanimously

Yet, if nine EU Member States were to speak out against the European Security Council's position within a short deadline – days not weeks – the ESC would no longer be able to represent such a position (**a posteriori veto**). Another alternative would be to define a quorum from the outset, in which, similar to the rotation method regarding the composition of the ESC, the weight of the states' objection would be incorporated subject to the proportion of the budget for their defence and development spending or their participation in CSDP missions (financial and personnel) (**weighted veto**). This is because it should not be possible to outvote those who pay.

Imprint

The Authors

Olaf Wientzek, Coordinator European Policy, European and International Cooperation,
Konrad-Adenauer-Stiftung

Christian E. Rieck, Senior Analyst at the Global Governance Institute Brussels and university
lecturer in Berlin, Potsdam and Madrid

Konrad-Adenauer-Stiftung e. V.

Olaf Wientzek

Coordinator European Policy
European and International Cooperation
T +49 30 / 269 96 35 09
olaf.wientzek@kas.de

Postal address: Konrad-Adenauer-Stiftung, 10907 Berlin

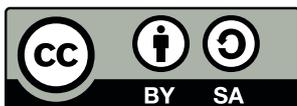
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