

CONV 252/02

WG VII 1

NOTE

from:	Vice-President Mr Jean-Luc Dehaene
to:	Members of the Convention
Subject:	Mandate of Working Group VII on External Action

Members will find attached an annotated mandate, which further elaborates the questions circulated in CONV 206/02 and aims at facilitating the discussion of the Working group on External Action.

Working Group VII "External Action"

Chair: Vice-President Jean-Luc Dehaene

Annotated Mandate

I. Introduction

1. The Convention's plenary debate on external action (11-12 July) confirmed that the EU had much to gain from acting collectively on the international scene. Only a strong and united Union can protect its political and economic interests and defend the values, which are at the heart of the Union itself. It was also recalled that the challenges of globalisation require the Union to fulfil its international role by using effectively and coherently all the resources at its disposal. The Union as international player has come a long way and over the years its role has been increasingly recognised on the global stage. At the same time expectations continue to grow, both within and outside the EU, and we need to look at how the Union can be made a stronger and more effective international player. A number of questions have been presented for consideration by the Working Group (CONV 206/02). The present paper aims at briefly explaining the background of these questions (in addition to documents CONV 161/02 and CONV 200/02) and proposes some avenues for discussion within the Working Group.

II. Questions to be considered

How should the interests of the Union be defined and formulated?

2. There is a widespread acknowledgement that acting collectively is the best way for the Union to defend common interests. At the same time, international developments rarely produce the same reaction, or the same intensity of reaction, in every Member State. In addition, the international agenda of the EU tends to lack continuity as each Presidency will put its own priorities centerstage. This faces us with two main challenges: how can we best identify and prioritise common interests, and how can we effectively encourage convergence of views between Member States, which would lead to more solidarity and political will to defend common interests?

3. The European Council has a key role in setting principles and general orientations in foreign policy. The Council develops common policies on the basis of these orientations. In the field of community action the Commission plays a central role deriving from its right of initiative while in CFSP proposals can be put forward by more than one actor. The Working Group could look into mechanisms that would help the different actors to collectively identify EU interests and to agree on a strategic approach to defend these interests, taking advantage of the particular interest and expertise of individual Member States in specific countries/regions. Exchange of information, joint policy assessments and other ways of co-operation both between capitals and institutions and in third countries, constitute an important tool to encourage convergence of views and would help to set objectives for the EU's external action. The Working Group could examine ways to strengthen existing mechanisms and possibly propose new ones.

How to ensure the coherence of the Union's action and co-ordinate all instruments at its disposal including development aid, humanitarian action, financial assistance, trade policy etc.)?

4. All agree that a properly co-ordinated use of all instruments, economic and political, is important for the EU's capacity to exert influence on the international arena. The EU 's economic weight is considerable; it is the main trading partner for many countries and regions, the world's largest provider of development and co-operation assistance and the importance of the Euro is increasing on the global stage. The EU has a vast variety of instruments at its disposal, which it can use to pursue its objectives in international relations, and many internal policies have an important external dimension. The different policies and their instruments are interlinked; for example a decision related to development co-operation or humanitarian aid can have an important impact on foreign policy and vice versa. Many feel that the current arrangements within the EU should be improved in order to allow better co-ordination and encourage a coherent and credible approach in decision making. The issue is twofold: it concerns arrangements between institutions as well as structures within institutions.

5. The Working Group could look into structures within the Council, the Commission and the European Parliament and examine ways of improving internal co-ordination of policies and actions that are relevant for the EU's international relations. One option would be for each institution to establish a focal point that oversees all matters with an international dimension. (As regards the Council, the Working Group will wish to take as a starting point the conclusions of the Seville Council on the issue of reform).
6. The Working Group could also consider possibilities for enhancing synergies between the main actors/institutions. This might include options for enhancing co-operation between the HR and the Commission, creating the possibility for joint initiatives, or even merging certain of their functions in some form or another. It would also be worth looking into the possibility of using more effectively policy instruments that cover different fields of action.

What can be done to ensure that the decision-making process allows the Union to act rapidly and effectively on the international stage? How far could the Community method be extended to other fields of action and how could it be made more effective? What easing of the rule of unanimity might be considered?

7. All agree that it is important for the EU to have a dynamic foreign policy that is capable of responding promptly to international developments. This is of course closely linked to the absence or presence of political will to act in a certain case, which underlines the need to encourage solidarity and convergence of views between Member States. But in addition, many feel that the current need for unanimity in CFSP restricts the Union's capacity to act and that it favours a policy dictated by the least ambitious position. It has also been pointed out that in the absence of an EU position/action, the vacuum is often filled by (sometimes conflicting) national positions, which undermines the credibility of the Union as an international player. Extending the community method (or elements of it) to CFSP has been mentioned as a possible solution to overcome inertia in CFSP, as well as more use of "enhanced co-operation" and "constructive abstention" to ensure that the EU can be present on the international scene when needed.

8. The Working Group could look into the possibility of extending the use of QMV in foreign policy decisions, either across the board or in certain cases, for example when considering proposals that have been put forward jointly by the HR and the Commissioner responsible for external relations, as well as whether any other aspects of the Community method could be applied to CFSP. Consideration could also be given to whether there is a scope for improving procedures within existing Community policy areas such as trade and development co-operation. The possibility of revitalising the instrument of common strategies (which aims at extending the use of QMV) could also be considered in this context. The Working Group could in addition examine under which conditions a group of Member States, as a coalition of the willing, could take forward an initiative on behalf of the EU (enhanced co-operation), and how to encourage more effective use of the possibility of "constructive abstention" for Member States that do not necessarily want to join an EU initiative but do not want to block it either.

What lessons may be drawn from the experience gained from the creation of the post of HR for the CFSP? What right of initiative should he have? How can it be ensured that he has the necessary resources, including financial resources, at his disposal?

9. The creation of the post of HR for CFSP in 1998 was welcomed both within and outside the Union. Almost four years after the post was created, there is a general acknowledgement that the HR has helped greatly to put the EU on the map by maintaining a presence in conflict areas, keeping contact with main international partners and fostering convergence of views within the Council.
10. The Working Group could consider how the EU could further maximise the benefit deriving from the function of HR, i.e. by strengthening his role in the decision making process and/or increasing the resources at his disposal. One could for example consider extending the right of proposal in foreign policy to the HR (which the Treaty now reserves for the Member States and the Commission), and/or examine the possibility that the HR chairs the Council formation responsible for foreign affairs (currently the General Affairs Council chaired by the Presidency). It would also be useful to consider what resources, human and financial, would be appropriate, at home or abroad, to match the scale of the HR's task.

11. The question of a credible and pro-active EU diplomacy is closely linked to the availability of financial means to underpin foreign policy decisions by concrete measures. The Working Group could look into how one can ensure that the necessary budget is made available, both in terms of volume, financing procedures and accountability.

What amendments to arrangements for external representation would increase the Union's influence at international level? How could better synergy be achieved between the diplomatic activity of the Union and of the Member States?

12. Some have pointed out that the external representation of the EU lacks clarity and that a single representation would improve the Union's capacity to act effectively on the international scene. Others believe that diversity in representation is unavoidable, given the sui generis character of the Union, and that delivering a single message is more important than speaking with one single voice.
13. When considering the issue of external representation one should make a distinction between EU action in multilateral fora on the one hand and EU bilateral relations on the other hand. With respect to multilateral affairs, the Working Group could consider what changes in external representation arrangements might help the EU to exercise more influence within the relevant international organisations (UN, OSCE, CoE, IFI's), and whether there is scope for rationalisation. In addition, the Working Group could examine ways to improve mechanisms that lead to the formulation of more common EU positions within these international organisations (single message).
14. With respect to the EU's relations with third countries, the Working Group could examine possible changes in the current arrangements for political dialogue meetings with a view to injecting more clarity and continuity in representation. The issue of EU representation in third countries deserves attention as well. The Member States and the Commission have at their disposal a vast network of diplomatic representations. It would be worth looking into ways to improve the synergy between the different services, to ensure that they co-operate for the common EU interest and to consider how representation on the ground can best enhance the EU's impact abroad.