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COVER NOTE

from Secretariat
to The Convention

**Subject : Contribution by Mr Panayotis Ioakimidis, alternate member of the Convention:
"The development of the EU's Common Foreign and Security Policy and Defence Policy (CFSP/ESDP)"**

The Secretary-General of the Convention has received the attached contribution from Mr Panayotis Ioakimidis, alternate member of the Convention.

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Alternate Member of the Convention

Topic :The Development of the EU's Common Foreign and Security Policy and Defence Policy (CFSP/ESDP)

The need for strengthening the European Union's Common Foreign and Security Policy (CFSP) as well as its component, European Security and Defence Policy (ESDP), can hardly be overstated. Europe needs a strong CFSP/ESDP in order to defend its interests as well as the interests of its member states, which none of them is any longer in a position to defend adequately on its own, to contribute to international peace and stability and to promote a new international order and system of governance based on democracy, respect for human rights, sustainable development and social justice.

To that end, the following concrete reforms/measures are, in our view, deemed absolutely essential :

a. Abolition of the pillar structure

In order to enhance the European Union's coherence, consistency and capacity to act and speak with one voice in the international system, the anachronistic pillar structure established by the European Union Treaty must be abolished. The artificial distinction between Communitarian and intergovernmental aspects of foreign policy does not have any longer any real substance. The policy to fight terrorism demonstrates that quite clearly. Accordingly, the whole range of the Union's foreign policy instruments and resources, be they economic, trade, diplomatic, political, etc., must be brought together into a single framework and form a coherent common policy. This, among others, implies that all foreign policy provisions scattered throughout the Treaties must be revised, simplified and brought into the EC treaty. It also means that the EU must acquire *a single legal personality*.

b. Creation of a Council of Foreign Policy/External Relations

With the aim of enhancing the effectiveness, coherence and capacity for speedy response to international crises, a special Council of Foreign Policy/External Relations must be set up. This means that the General Affairs/Foreign Policy Council decided by the Seville European Council must be split into two different Council formations. The General Affairs Council will concentrate on the coordinating and legislative functions while the Foreign Policy Council will deal exclusively on foreign policy/external relations. This would upgrade the role of both Councils, particularly that of the Foreign Policy Council.

Moreover, a Council of Defence Ministers is needed following the progress achieved in developing the Union's Security and Defence Policy (ESDP).

c. Unified Post for External Relations/Policy

The post of the High Representative for CFSP must be merged with that of the Commissioner in charge of external relations. A vice-president in the Commission must have overall responsibility for foreign policy - external relations. The appointment and operation of the vice-president with responsibility for foreign policy could be subject to special procedures involving more extensively the Council of Ministers. This could mean in effect that the holder of this post would be attached simultaneously to the Commission and the Council.

The combination of these two functions is the logical corollary of the abolition of the pillar structure and the restructuring of the rotating presidency. The new post would enable the Union to speak with a single voice in the international system, to ensure continuity and to deploy in a coherent and consistent manner the entire range of foreign policy instruments and resources.

d. Wider Use of Qualified Majority Voting

In order to strengthen effectiveness, coherence and speed in foreign policy in the enlarged European Union of 25 member states, a wider use of qualified majority voting in CFSP decisions can be envisaged. More specifically, EU foreign policy actions without military implications could be taken by qualified majority voting (QMV) on a proposal from the Commission. In the absence of such a proposal, decisions will normally require unanimity. Opting-out clauses for specific cases must be provided.

e. Greater Coordination in Diplomatic Services

The enlarged European Union of 25 will have at its disposal the biggest foreign policy service worldwide: approximately 3.000 diplomatic missions with 30.000 diplomats and foreign policy personnel. In order to improve the effectiveness and quality of the Union's external representation, this vast machinery must be employed in a more rational manner. Thus, without aiming at creating a single diplomatic service, the first steps must be taken at setting up Union embassies/missions in selected third countries or organizations where either our interests or other factors so dictate. At the same time, we must strengthen coordination and cooperation among our embassies, missions and delegations as provided for in article 20 of the TEU.

f. Mutual Assistance Clause in ESDP

The insertion of a mutual assistance clause in the new Treaty is of paramount importance as a means for strengthening the solidarity that binds together the member states of the European Union. The clause to be enforced in the context of the Petersberg tasks, will also contribute significantly to enhancing the credibility of the ESDP and the European Union as a whole. It will also bolster the effectiveness of the ESDP in the wider international system.

The insertion of this clause in the Treaty is all the more important as, first, we plan to expand the range of the Petersberg tasks to new areas (i.e. terrorism), secondly, as the relevant clause in the Brussels Treaty (WEU) has in practice become obsolete and, thirdly, as the new risks, threats and challenges facing the EU member states make it imperative to strengthen our solidarity bonds.

In order to take this step, however, two conditions must be considered:

First, the special position of some member states in relation to defence matters must be fully taken into consideration. If they are not able to immediately subscribe to such a clause, they must be given the possibility of "opting in" at a later stage if they so wish.

Secondly, the nature of the Atlantic Alliance (NATO) as a collective defence system must be preserved and strengthened. The necessary arrangements must therefore be worked out to ensure that the evolution of ESDP into a collective system of solidarity does not weaken the Atlantic Alliance, but on the contrary that it strengthens it.

g. Enhanced Cooperation in ESDP

The need to enable some member states, able and willing, to undertake defence initiatives or operations is evident. This need will be accentuated by the enlargement of the Union to 25 member states and the diversity in defence cultures, capabilities, interests, perceptions and objectives that it will inevitably give rise. However, whatever defence schemes or operations with limited membership are decided, they must always take place within the legal framework of the Treaties and the institutional structures of the European Union.

It is imperative, therefore, to extend the provisions of enhanced cooperation of the Treaty to the area of defence (ESDP).

h. Create a Voluntary Humanitarian Force

In the context of the civilian crisis management machinery, a voluntary humanitarian force consisting of young volunteers from all EU member states can be created. This could be employed, on a voluntary basis, to assist in civilian functions of crisis management. At the same time, it will give the opportunity to young Europeans to identify themselves with the European project and to contribute to humanitarian activities in a spirit of solidarity and worldwide cooperation.
